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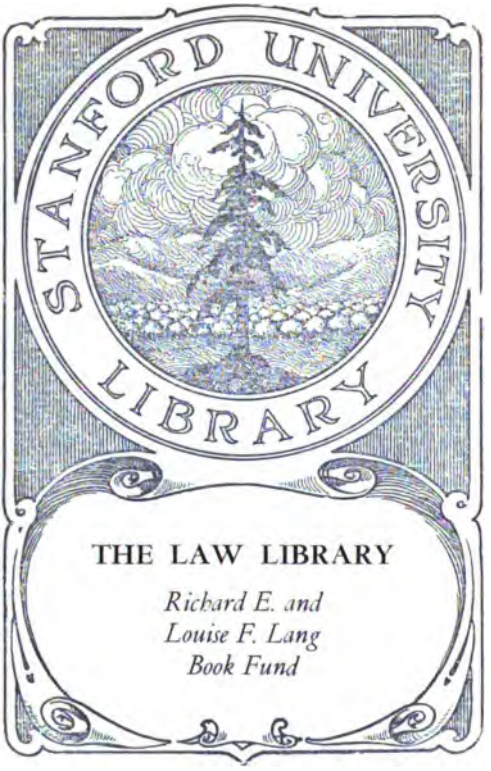
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MEMORIES OF FAMOUS TRIALS

Alverstone

RICHARD EVERARD, BARON ALVERSTONE, G.C.M.G., Lord Chief-Justice of England

Elliott & Fry] [*Frontispiece*

MEMORIES OF FAMOUS TRIALS

BY

EVELYN BURNABY, M.A., S.C.L. Oxon.

AUTHOR OF

"A RIDE FROM LAND'S END TO JOHN O' GROAT'S"

SECOND IMPRESSION

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1907

TO THE RIGHT HONOURABLE

RICHARD EVERARD, BARON ALVERSTONE, G.C.M.G.,

LORD CHIEF JUSTICE OF ENGLAND,

IN REMEMBRANCE OF A SINCERE FRIENDSHIP OF FIFTEEN YEARS, DURING WHICH TIME HE REPRESENTED THE ISLE OF WIGHT IN PARLIAMENT, THIS WORK IS AFFECTIONATELY DEDICATED BY HIS OLD FRIEND, THE AUTHOR.

March 1907.

TO THE READER

THE Rev. Evelyn Henry Villebois Burnaby has been a constant attendant at celebrated trials for nearly half a century. His father was the late Rev. Gustavus Burnaby of Somerby Hall, Leicestershire, for many years rector of St Peter's, Bedford, and Canon of Middleham. His mother was a sister of Maria, Viscountess Glentworth, who died three years ago in her 101st year. She was the daughter of Mr Henry Villebois, the Squire of Marham, Norfolk. Mr Burnaby's mother's family were keen followers of the chase. His grandfather, Mr Henry Villebois, hunted a pack of staghounds in Norfolk. His brother, Mr Frederick Villebois, was Master of the Craven from 1833 to 1851, and left the pack of hounds to the county, making ample provision by his will for the Huntsmen and Whips. Mr Truman Villebois hunted the H. H. from 1802 to 1837. Mr Henry Villebois of the next generation—commonly known as "The Squire"—hunted the whole V. W. H. country, 1850-5, and was twice Master of the West Norfolk from 1859-65 and 1875-77. He enjoyed the personal friendship of the King when Prince of Wales, to whom he introduced Parson Jack Russell, the well-known Devonshire sportsman, and it is well remembered

that, when a visitor at Sandringham on New Year's Eve, Parson Jack was dancing the old year out and the new year in with the present Queen, he remarked to her—then Princess of Wales—with the courtesy of the old school which, alas! is now dying out:—"My dear I am the only man who will be able to say he has had this honour," the Princess gave him her hand and said, "You are quite right, Mr Russell; no one else has ever danced the old year out and the new year in with me." Evelyn was educated at Eton, where he was a contemporary of the Duke of Argyll, Mr A. J. Balfour, the Earl of Elgin, the present Duke of Beaufort, the late Lord Randolph Churchill, Lord Rosebery, Sir Reginald Pole-Carew, and Ernest Vivian, now Lord Swansea—his life-long friend. After graduating with honours at Oxford he became rector of Burrough-on-the-Hill, Leicestershire. His first wife, whom he married in 1871, was Miss Winifred Crake, a cousin of the last year's captain of the Harrow Eleven. She was renowned for her beauty and charm of manner and died at Somerby Hall in 1873, at the age of twenty-two, after childbirth. He married secondly the Hon. Margaret Catherine Erskine, daughter of John Cadwallader, the fourth Baron Erskine, and great-grand-daughter of the famous Lord Erskine, the Lord Chancellor of England. By his second marriage he had issue, an only child and daughter. Mr Burnaby is as fond of his Dandie Dinmont dogs as Lord Brampton was

of his terrier "Jack," and "Joe," *alias* "Mr Smith" a prize-winner, and "Susie" are well known in the West of England. Mr Burnaby's brother, the celebrated Colonel Fred Burnaby, commanded the Horse Guards, and was said to be the strongest man in the British Army. Among stories of his feats of strength was one of his carrying a pony under each arm up the stairs of the cavalry barracks at Windsor. As is well known, Colonel Burnaby made a successful trip in a balloon across the Channel—alone and with only a biscuit and a bottle of Apolinaris for sustenance. His physique gained him the sobriquet of "Heenan." He contested Birmingham in the Conservative interest in 1880 against Mr Bright and Mr Chamberlain, and a monument fifty feet high was erected to his memory by the working men of the constituency. The Colonel was killed in 1885 at the Battle of Abu-Klea. The author's elder sister, Mrs Manners-Sutton, was probably the most beautiful woman of the last century. She married, in 1853, John Henry Manners-Sutton, Esquire of Kelham, Notts. Their house was destroyed by fire soon after the marriage, and was rebuilt by Sir Gilbert Scott. Mr Manners-Sutton represented Newark in the Liberal interest, the constituency which first returned Mr Gladstone to Parliament as a Conservative. The Burnabys claim to be the oldest family in Leicestershire. One of their ancestors represented Northamptonshire in a parliament of Edward the Second.

PREFACE

My readers may wonder why I have attended so many famous trials. Let me explain. In the middle of the last century the Assize week generally brought into the county towns representatives of the well-known families in the neighbourhood, and my first appearance in a Crown court was at the Spring Assizes of 1856, when I was taken by my mother to hear three cases tried before Mr Justice Cresswell in the old Shire Hall, facing St Paul's Church, and adjoining the old Grammar School at Bedford. It was here that Lord Brampton was educated. From that moment I took a keen interest in the law courts, and the acquaintance of my family with my dear old friend, Mr Justice Wightman, helped to increase that interest. Many a time I have sat by him when he was trying cases, and as a lad I accompanied him on the old Norfolk circuit. It was a pleasure to me to attend the Old Bailey Sessions and listen to the speeches of famous advocates engaged on either side, and note the gradual unfolding of the evidence — generally circumstantial—at the same time gathering an insight into the extraordinary and marvellous com-

bination of good and evil in the characters of real drama, for I have never yet met a criminal in whom there was not some inherent good.

I have been asked by several friends—amongst whom I number Mr Cecil Chapman, now the exemplary Metropolitan Magistrate of Tower Street—to place on record my memories of famous trials.

I am very much indebted to Mr Thomas Catling, the former courteous editor of *Lloyd's Weekly Newspaper*, in which my reminiscences have in part appeared, for many details connected with several of the trials, and it has been my intention in each one to present any points of law that may have arisen, and to refer to cases out of the common which have been heard within the old walls of the Central Criminal Court and elsewhere.

Having enjoyed the friendship of many judges of a bygone generation, I have ventured to give anecdotes in regard to many members of the judicial bench, and it is with feelings of gratitude and affection that I dedicate this book to my sincere friend, the Lord Chief Justice of England—known to all old Cambridge friends as "Dick"—a great and sound lawyer, and commanding, since his elevation to the Bench, the respect of every member of the Bar and the public generally.

Although we may not, at the present time, possess on the Bench the eloquence of an Erskine or a Scarlett, still, whilst we can boast of such able judges as Lord Alverstone, the Master of the Rolls,

Mr Justice Grantham, my valued friend Mr Justice Day, Mr Justice Bigham, Mr Justice Jelf and many others, and whilst we have at the Bar such men as Sir Edward Carson, Sir R. B. Findlay, "Willie" Matthews, Mr Rufus Isaacs and others of the same stamp, we need never despair that the dignity and majesty of the law will not be maintained.

In bidding an affectionate farewell to my friends on the Bench, at the Bar and on the Press, whose name is legion, I venture to hope that these, my imperfect memories, may be read with some interest by some with whom the links of friendship have been severed for a time, and, although it is impossible to recover "the years that the locust have eaten," I would fain, though in vain, say in the words of the Latin poet :—

"O si proeteritos referat mihi Jupiter annos."

VALE.

EVELYN HENRY VILLEBOIS BURNABY.

March 1907.

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MEMORIES OF FAMOUS TRIALS

CHAPTER I

SOME RANDOM RECOLLECTIONS OF THE OLD BAILEY, INCLUDING REFERENCE TO THE MANY LEADING CHARACTERS WHO HAVE PLAYED A PROMINENT PART IN THE TRIALS THEREIN

Now that the old landmark of our City Bastille—Newgate—has been removed, and a new Central Criminal Court has taken its place, it will be of interest to recall some of the famous trials that have been held within the ancient building during the last half century, and to linger over the memories of those giant judges of the past, serjeants-at-law, counsel, governors of the old prison, chaplains, medical officers, and experts who played so conspicuous a part in the famous dramas enacted year by year within the precincts of the Old Bailey.

Amongst the governors of the Gaol I knew poor

old Jonas, Sidney Smith and Colonel Millman, the two former of whom have joined the majority. Amongst the Recorders of my acquaintance were Mr Russell Gurney—probably the best criminal judge we have ever had—Sir Thomas Chambers—who well represented the dignity of the City—and Mr Commissioner Kerr, who on one occasion I heard tell a prisoner (who had defended himself) that if the learned counsel, who had appeared for the other man, had shown half the ability the prisoner had he would have secured an acquittal for his client. I also remember that on one sultry day in August he informed the jury that if any man was brought before him for setting fire to the Old Bailey Courts he would let him off with pleasure, as they were a disgrace to the City of London.

The late Sir Charles Hall, who had previously been Attorney-General to the Prince of Wales, succeeded Sir Thomas Chambers as Recorder of the City of London. His tenure of office was not long, and on his death at an early age Sir Forest Fulton, who had a considerable practice at the Old Bailey and held the office of Common Serjeant, was elected by they Cit to fill the vacant office.

Generation after generation of aldermen and

sheriffs whom I have known have passed away, and, as I write, the familiar figure of Sir John Bennett—whom I last saw on the racecourse at Epsom, mounted on his chestnut horse, his spectacles lifted over his florid face—comes before my mind; he was a regular attendant at the Old Bailey, and one of the dispensers of hospitality in the parlour. Then again Sir Robert Fowler, one of the most popular members of the House of Commons, and whose hearty laugh used to make the very walls of St Stephen's shake, has joined the majority. The genial Sir Francis Lycett is also gone; and James Judd, the brother of my dear old friend, William Mew Judd of Ventnor, has left a blank in the City. And whilst I have been penning my memories my friend Quartermain East has left us; he was sheriff during the Penge Trial, and during the whole of that case I sat next to him on the Bench. Together with the late Lord Rivers and Mr Guildford Onslow he was a firm believer in the Tichborne claimant to the last; no argument could shake his belief. "He is the real Sir Roger," he used to declare when I chatted with him in his charming hotel twenty-five years ago at the Granville at Ramsgate, and as late as

six years ago, when he presided over the fortunes of the Central Hotel at Portsmouth and sat with his hat on in the restaurant recognising old friends. I have reason to be grateful to him; the last time I visited his hotel and was proceeding to take my dear old faithful dog—a Dandy, by name "Mr Smith," *alias* Joe, a present from my friend Percival Luckman—to my room the lady in the office remarked that the charge for dogs in a bedroom was a guinea a night. I remonstrated, and dear old East, who had overheard the conversation, ordered the page to bring a plate of meat for Joe, patted the latter on the head, and said, "He will sleep in your bedroom at my hotel every night, Mr Burnaby, free of charge." In the present Lord Mayor, Sir William Treloar, we have a chief magistrate of whom the City of London may be proud—one whose beneficence is well known and the prestige of the City for bounty and hospitality will be fully maintained during his tenure of office, and the cripple children will bless his memory.

The chaplains, Mr Davis and Mr Jones, are both gone, I believe; Dr Gibson, the famous prison surgeon, has passed away. All who have attended

the Old Bailey during the latter half of the last century will not fail to recall the familiar features of the *Times* reporter seated at his desk with a lamp over it under the Bench at one extreme end, never taking his eyes off his notes, and jotting down every particle of evidence with a stolidity that could not be shaken. I am afraid that I myself must have hastened the death of the apoplectic door-keeper who was supposed to prevent persons from entering the Bench door without an order. Many a time have I pushed by him, and his asthmatic gasps as he ordered me to come back, I have no doubt, led to his joining the majority earlier than he otherwise might have done.

With the passing of the Old Bailey the curtain falls on scenes that will not be forgotten by those who witnessed them. There will no longer be any trials in the old, dim courts; no more executions within the walls of Newgate; and the bells of St Sepulchre Church will no longer toll the solemn note for those who have expiated their crimes on the scaffold. Still, the recollection of Old Newgate and the Old Bailey, and the famous trials that have taken place there—with the great men who have figured therein—will remain in the memory of

one who probably attended more trials during the last half of the nineteenth century than any other living man.

Probably the interior of the prison was familiar to some. The Bird Cage Walk, as it was called, was a covered passage that led direct from the docks of the courts to the grim prison, and under the pavements were interred the remains of the many malefactors who expiated their crimes outside or within the walls of Newgate. Unwittingly many a convicted murderer on his last journey from the court to the prison thus passed over the spot where his remains were to be buried. Each spot in that ghastly passage was marked by an initial on the wall—" M " for Müller, " W " for Wainwright, and so on. " Flowery Land " denoted the resting-place of the five pirates whose public execution in less civilised times than our own attracted one of the largest crowds to the Old Bailey, when ribald sounds might have been heard during the long night from the crowds which seethed and yelled within the palings that were erected outside the prison. These sounds must undoubtedly have reached the ears of the condemned criminals whose cells were situated within

a few yards of the prison walls on the Holborn side of Newgate. It was, of course, no unusual circumstance for rooms to be engaged on the occasion of a public execution, and for supper parties to be organised by representatives of the upper classes from the West End to witness, in the early morning, the grim spectacle of the carrying out of the extreme penalty of the law. In those days Calcraft officiated as the executioner. He was a decrepit old man, and having completed the last act of the law he tottered to the scaffold in order to cut down the body, after it had hung the prescribed period of one hour, according to the terms of the sentence, outside the walls of Newgate.

The final scene in a trial for murder at the Old Bailey was always more or less dramatic. In the old days a dinner used to be given upstairs, and sometimes the orgies were prolonged well into the night, after Her Majesty's judges had gone home. The Lord Mayor, Aldermen and Sheriffs, during the progress of a famous trial, entertained the presiding Judge at dinner. On one occasion the banquet took place whilst the jury were deliberating upon their verdict, and I happened to be present; in the midst of the dinner the sheriff's footman

announced that the jury were agreed, so a procession was at once organised, headed by the Lord Mayor, Aldermen and Sheriffs in their purple and red robes, followed by the chaplain of Newgate carrying his gown on his arm ready to don it and seat himself beside the judge in order that he might pronounce the final " Amen " which concludes the dread sentence of the law.

The scene inside the court was an impressive one. The long procession entered by the door at the extreme end of the Bench, being heralded by three loud knocks which were made by an asthmatic old doorkeeper, who sat during the greater part of the day on a stool, and had the greatest difficulty in getting down, but on these occasions was alive to the dignity of his position and announced the approach of the authorities. The buzz of excitement which ran round the court on the return of the jury to the box was hushed by the names of the jurymen being read over by the late Mr Avery, the esteemed Clerk of Arraigns, while the unfortunate criminal, closely guarded by a bevy of warders, took his place in the dock facing the judge. Then came the verdict of " Guilty "; the formal question of the Clerk of Arraigns as to

whether the prisoner had anything to say why sentence of death should not be passed upon him, while the chaplain of Newgate made his way as best he could along the floor of the Bench.

Then came the remarkable proclamation by the chief usher. "Oyez! Oyez! Oyez! my Lords the Queen's Justices do strictly charge and command all persons to keep silence while the sentence of death is passing upon the prisoner at the bar upon pain of imprisonment. God save the Queen and my Lords the Queen's Justices!" The judge's clerk stood at his right hand during this proclamation, ready to place the black cap on the wig of the judge ere he pronounced the final sentence which the law of England orders to be passed upon all persons convicted of the crime of murder.

No reminiscences of the Old Bailey would be complete without reference to Sir George Lewis, of Ely Place. His father, the great founder of the firm, made the name of Lewis famous, and if only Sir George could write a book what skeletons in cupboards would be unearthed, and how many families who now sleep the sleep of the just would have their sleep disturbed by the revelations that might possibly be made. Sir George Lewis owes

his success more to a knowledge of human nature and commonsense than to actual legal knowledge. I can illustrate what I mean by the following incident. When consulted on one occasion by a lady in regard to a proposed separation from her husband she was asked whether she could bear the ordeal of the witness-box, and she hesitated in her reply to the question. Sir George Lewis, without going into detail, simply gave his opinion, "Compromise."

Sir George Lewis has figured in nearly every famous case during the last fifty years. If my memory serves me aright he was engaged in the Durham case; he was solicitor for Mr Whitaker Wright who received a sentence of seven years' penal servitude from Mr Justice Bigham—one of the strongest judges on the Bench at the present time. It is exactly forty years since I first made the acquaintance of Mr Lewis (as he then was) in the sitting-room on the ground floor of the Crown Hotel, Scarborough. I accompanied him afterwards to a ball at the hotel and I can now picture him as he danced with a friend to the strains of "The Holly Bush Polka." During the maze of the dance he got involved with the skirts of the

many grass widows who, bedizened with diamonds, were disporting themselves with their "cavaliers." With a desperate effort he managed to get disentangled from the *mêlée*. The grass widows, who recognised the famous solicitor, eyed me with a look of scorn when I called out, "Mr Lewis, you will have them all as clients yet."

CHAPTER II

EARLY RECOLLECTIONS AND GIANT JUDGES OF THE PAST

My father was in the habit of entertaining Her Majesty's judges when on circuit at dinner at our dear old home on St Peter's Green, Bedford. What memories are recalled by the recollection of the old house! It seems but yesterday that we were in the garden one summer evening and a balloon passed over our heads. "I should not wonder," said my father, "if Fred is not in that balloon." And sure enough he was, for about midnight the household was disturbed, and I heard my brother's voice calling, "Halloa, Governor, here we are; came down in the balloon eight miles from Bedford." He had started from the Cavalry barracks at Windsor, where the Blues were quartered, and the wind had brought them in the direction of our home.

Amongst other judges of the past who visited us at the rectory I may mention Sir John Jervis,

Chief Justice of the Common Pleas, and his successor, Sir W. Erle, also chief of that now obsolete court. Chief Justice Jervis was a great judge, and I may mention a story of interest concerning him. Once when presiding in the Crown Court at Lewes a gang of card-sharpers were tried by him. The pack of cards which was produced appeared perfectly genuine and correct, and the case against the prisoners seemed to have broken down. Suddenly the learned judge, who had been carefully inspecting the cards, astounded the jury and the prisoners by informing the court that he could tell the name of any card in the pack by simply looking at the back of the card, and showed the jury that by a particular flower in the corner of each card the identity of the card could be discovered. The Lord Chief Justice stated that when at the Bar he had been counsel in the Lord de Ros case and had discovered the trick. The prisoners were all convicted upon the statement of the judge regarding the pack of cards.

Sir W. Erle, his successor, was also a strong judge. One of the kindest men who ever lived, he was in the habit of riding the circuit on horseback. I went with him once when a boy on the old

Norfolk circuit to Cambridge. He told me he had thirty horses in his stable, many of them past work, but Lady Erle would not allow him to part with them as they were all looked upon as old favourites. The last time I ever saw the judge was in Prince's Gardens in London when I was with my father. We met the Chief on horseback riding towards the Park. My father asked him if there was any chance of his going the Midland circuit that summer, as, being chaplain to my uncle, who was High Sheriff of Leicestershire that year, he would have the pleasure of preaching the Assize sermon at Leicester. "No," answered Sir W. Erle, "you will have the Lord Chief Justice of England to preach before. Go to Rivington's and ask for a sermon on morals, and give Cockburn five minutes, short and sharp."

It seems but yesterday that my father entertained the late Lord Chief Baron Pollock, Senior Wrangler of his day at Cambridge—who, old man as he was at that time, being between seventy and eighty years of age, was renowned for his agility, and who vaulted a chair in our dining-room—together with his brother Wightman, at Bedford during Assize week. The Chief Baron being very

fond of dancing, an impromptu quadrille was arranged, and as the Chief Baron was displaying great agility in the figures our servant announced the arrival of the Sheriff's carriage. Mr Justice Wightman remarked to the butler, "Order the Sheriff's carriage to come again in twenty minutes, as the Chief Baron is now occupied in a quadrille."

It was, I believe, on that very evening that a ludicrous incident occurred when my father had invited Her Majesty's judges to dinner. Half-past eight was gone and there were no signs of any announcement of dinner. The representatives of the law were getting hungry when our butler put his head inside the door and mysteriously beckoned my father to go outside. Proceeding to the kitchen the tableau was a puzzling one; the turtle soup was running in a rivulet across the kitchen floor; the cook was lying prostrate with intoxication; the turbot and the lobster sauce were lying in a confused *mêlée* by her side. My father at once ordered "the lady" to bed and himself administered a glass of hot mustard and water which had the desired effect. But what about the repast? Men must eat and judges are no exception to the rule; the silver-side of some

boiled beef was called in to supply the necessity, and Her Majesty's judges, having dined off it, went home to the lodgings and slept the sleep of the just.

On one occasion I was invited to the Assizes at Cambridge, where Mr Justice Wightman was to preside at a trial for murder. The prisoner, however, pleaded "Guilty," and I arrived too late to hear the proceedings. The Assizes being over, and the commission day at Norwich not being due, a cricket match was arranged between the Bar and the Long Vacation on Parker's Piece. I was seated on a bench with the learned judge and his son-in-law and marshal, the late Mr Matthew Arnold, when two barristers came and sat down near us. Talking over the trial of the morning, they were questioning the emotion of the learned judge, who had shed tears in passing the death sentence. Mr Justice Wightman interrupted the conversation by remarking, "I can tell you, gentlemen, he felt it very much; but you do not seem to recognise him without his wig and robes."

One of my earliest visits to the old court was when a very dear old friend of mine, Mr Justice Wightman, a judge of the Queen's Bench Division, one of the kindest and most humane men who ever

Photo.: Walton Adams] *[Photo.: Heath*

THE AUTHOR AND HIS FAVOURITE DOGS

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dignified the Bench, presided over a case. Mr Ribton, a well-practised advocate at the Old Bailey, and generally retained for the defence, was making a long-winded address to the jury in regard to the prisoner, whose guilt was self-evident. During the course of his speech Mr Ribton repeated himself. "You said that before," interposed Mr Justice Wightman, "but perhaps it is so long ago that you have forgotten it," and, by way of bringing the speech to an abrupt termination, my dear old friend remarked, with that peculiar drawl in the voice that all who knew him will remember, "My turn will come soon, Mr Ribton."

My dear old friend died in harness at York at the Winter Assize of 1862. He had a very heavy calendar, and by some mistake the Sheriff's Chaplain omitted the Judge's name in the "Bidding prayer" before the sermon at the Minster. Mr Justice Wightman appeared to have felt the omission, and remarked that no one needed the prayers of the congregation more than the Judge who had such a calendar of prisoners to deal with. He retired to "the lodgings" and spent the evening with his daughter discussing his retirement from the Bench and making plans for

a holiday. Miss Wightman did not like the look of her father, and when they retired to their rooms she knocked at his door and he, answering, said he felt perfectly well. Next morning, however, she was awakened by the butler who begged her to come to her father's room as he had found him asleep in his chair and he could not wake him. The dear old Judge must have passed away gently to the unknown shore without pain. I was but a boy at the time, but I felt his death and can remember the kindly voice and courteous manner and dignity of the old school, which are rarely evidenced now in these days of social equality where the leveling system has done its work. He was one of the kindest friends of my boyhood, and I recall now, after a lapse of nearly fifty years, the happy breakfasts in his house at 38 Eaton Place and the walks to Westminster afterwards. As we strolled along the Bird Cage Walk I can recall his stories and anecdotes till we reached the Judge's private door facing the Abbey leading to the robing-room of the Judges of the Queen's Bench. Here, morning after morning, I have watched him, his faithful clerk, Nichols, in attendance, robe, and then I sat beside him on the Bench

where, with Cockburn, his chief, and Mr Justice Crompton, he heard cases *in banco*.

Among the giant judges of the past I may mention Baron Parke, whom I knew very well as Lord Wensleydale, the first life-created peer, and the great-grandfather of the present Lord Ridley. His home at Ampthill, seven miles from Bedford, was the scene of many happy days to me in my boyhood. Mr Baron Parke was a very strong judge, but rather absent-minded. On one occasion, when presiding in the Crown Court at Lewes, he forgot, in passing a death sentence, to tell the unfortunate woman by what manner of death she was to die. "You have omitted, my lord," said the Clerk of Arraigns, "the most important words of the sentence." "I am much obliged to you," said the learned baron; "thank you very much. It quite escaped my memory. She is to hang by the neck until her body be dead."

It was at this Assize that the famous Brighton preacher, the Rev. Frederick Robertson, was Sheriff's Chaplain. The learned judges, Lord Chief Justice Jervis and Mr Baron Parke, on attending Divine service to listen to the Assize sermon, doubtless expecting the usual prosaic address to

which they were accustomed, settled themselves down in the large civic pew prepared to slumber. But Robertson's address of forty-five minutes kept their attention riveted from the commencement to the close. The subject chosen was that of "Truth," and I remember very well the concluding words of the sermon:—

"I commend the subject of truth to those who during the present week will have to do justice between man and man, between the Sovereign and the accused. I commend the subject to those whom the severe discipline and training of the English Bar have so eminently qualified to dissever truth from the mazes of falsehood. From the trial hour of Christ, from the Cross of the Son of God, the first lesson is this: Be true. And the second is this: Be true. And the third and last is this: Be true."

The Rev. Frederick Robertson was a great preacher, and shortly before his death consulted no less than four eminent medical men in Brighton as to the cause of the excruciating pain at the base of his head. Two said he was suffering from hypochondriasis, another prescribed lettuce and the fourth recommended an electric battery on

the spot which simply resulted in a state of unconsciousness. The unfortunate man, when told he was suffering from hypochondriasis, remarked that no one who felt as he did—as if an eagle's talons were tearing his brain out—could be a hypochondriac. He, however, preached an eloquent sermon on the Sunday evening and within a few days died. The result of the post-mortem examination showed that all the doctors were wrong and that he had a large abscess at the base of the cerebellum, which had evidently caused his death though the doctors at Brighton had failed to discover it.

Mr Justice Maule's sentence upon a bigamist of the labouring class is well worthy of record. A poor man who had been badly treated by his first wife heard that she was dead, but did not wait the prescribed period of seven years which affords a good defence before contracting a second marriage. He was convicted. Mr Justice Maule's scathing observations upon the expenses attaching to the law and legal procedure may fitly be given. "Prisoner at the Bar," he remarked to the labourer, "you stand convicted of the atrocious crime of

" bigamy. For that offence you are liable to be " transported beyond the sea for the term of your " natural life. You say that your first wife treated " you badly, and I believe she did, but you had no " right to take the law in your own hands. You had " the noble profession of the law, which I represent, " to appeal to. You should have consulted one of " those bald-headed gentlemen sitting down there," pointing to the solicitors' table, " who would have " given you very little satisfactory advice, but would " have referred you to some of the gentlemen in the " long robes and wigs, who, I have no doubt, would " have run you up a pretty heavy bill, and your case " would have come into court, and I am bound to say " it would have been decided against you. By this " time your expenses would have run up to a few " hundred pounds. But you would then have been " advised by one of those gentlemen to carry your " case to the Court of Appeal, and I don't think even " there you would have fared any better, except that " the bill of costs would have been about trebled. I " think the Court of Appeal would have been against " you. You would have had the noble House of " Lords as a final resort. Prisoner, you have not " chosen to take the advantages which the law has

" placed within your reach. You are liable to be " transported for life. I order you to be imprisoned " for one day, which means your immediate release, " and I congratulate you on the line of conduct you " have taken."

Another great judge was Mr Justice Patterson, father of Coleridge Patterson, better known as " Coley " Patterson, the murdered Bishop of Melanesia. My father was chaplain to my grandfather, Mr Henry Villebois, of Marham, at the Norwich Assize in 1840, the judge of the Crown Court being Mr Justice Patterson, who had been educated at Cambridge. My grandfather, who was a very wealthy man, was able to carry out the pageant magnificently, and as the sheriff's carriage in pomp and splendour was passing down the streets of Norwich to the castle, Mr Justice Patterson, addressing my father, pointed to a baker's shop and naïvely remarked, " The last time I saw that shop, Mr Chaplain, I was an undergraduate at Cambridge. We drove from Newmarket to Norwich, and I am ashamed to say that I have a recollection of the tandem leader breaking the plate-glass window, and the lives of myself and companions were in jeopardy."

CHAPTER III

GREAT JUDGES—COCKBURN, BRETT, BLACKBURN, MARTIN, LUSH, BYLES

HAVING had the opportunity of knowing many and listening to nearly all of the judges who have made their mark on the judicial Bench since the year 1855, I should like to say that for zeal, talent, eloquence, charm of manner, courteous bearing, prodigious memory and perfect tact I can find none who, to my mind, can compare with Cockburn. His charm of oratory, which I should imagine to be akin to that of Erskine, was without equal in my experience. Without the solid knowledge of Campbell, the somewhat diffusive suavity of Coleridge, the incisive Hibernian rhetoric of Lord Russell of Killowen, the knowledge of law of a Jessel, or the soundness and straightforward characteristics of the present Lord Chief Justice (who, as Sir Richard Webster, was an intimate friend of my own in the Garden Island), Cockburn stands out as a giant amongst his brethren.

To him may be referred the words of Homer:

> ἠΰτε βοῦς ἀγέληφι μέγ' ἴξηχὸς ἵπλετο πάντων
> ταῦρος· ὁ γάρ τε βόεσσι μεταπρέπει ἀγρομένῃσι.
> *Hom. Il.* 2, 480, i.

"Like a bull amongst the herd moves in majestic state,
Towering far above them all, pre-eminently great."

In reference to Cockburn's dignity of speech it might be said that his language was so choice and so ornate, and his voice so clear, that one could listen to him for hours without fatigue or strain. At times his flights of oratory were such that one felt one was listening to a Cicero or a Demosthenes. To illustrate what I mean I will quote from two of his famous addresses to juries in well-known trials. I was present when he summed up to the jury in the old Queen's Bench court at Westminster in 1867 in the Overend & Gurney case. It will be remembered that the failure of that great banking firm caused a panic on the Stock Exchange and a financial crash involving many families in hopeless ruin. The stability of the house of Overend & Gurney was considered as secure as the Bank of England itself, and those who had consigned money to their care felt it was as safe as though it was invested in Consols. But in the world of finance and commerce, as in the world of politics—

ay, and in life itself—it is the unexpected which often happens. The Overend & Gurney crash almost paralysed the trade of the country, and the Directors were put upon their trial, the Lord Chief Justice of England presiding. The court was crowded, and it was late on a dreary November afternoon that Cockburn, amidst breathless silence, concluded one of his matchless addresses to the jury. "Gentlemen," he said, "there is a great "difference between moral and legal guilt. A few "weeks ago the men on their trial were the leaders "of the aristocracy of commerce, the Cæsars of "the commercial world; but now, like Cæsar, they "have fallen so low there is no man to do them "reverence."

Again I recall the conclusion of Cockburn's summing up in the Tichborne trial, which occupied several weeks. During the hearing Cockburn had been subjected to scurrilous abuse from the defendant's counsel. He and his colleagues, Mr Justice Mellor and Mr Justice Lush, had been compared to Scroggs and Jeffreys and judges of infamous repute. The summing-up was almost drawing to a close. The silence in the court was intense, when Cockburn, with uplifted brow, and

his eye fixed upon counsel for the defence, exclaimed, "Gentlemen, I have almost done. I have "been told that the history of this trial will be "written down, and doubtless it will with a pen "that will not scruple to lampoon the living and "calumniate the dead. If my judicial memory "shall be attacked and my honour reviled, then I "leave the protection of my judicial memory and "honour to the Bar of England, and I know I "shall not appeal in vain."

I have heard the sentence of death passed often, but never with more dignity than by Cockburn. It may not be generally known that in criminal trials the judge's note-book is bound in red, except when a capital charge is being heard, and then a book with black binding is used. I have frequently observed in cases of murder, when the jury had retired to consider their verdict and the judge had left the Bench, that his clerk would turn the note-book back to the first page, and I believe there is to be found there a printed form of the death sentence.

Mr Justice Brett (known to his friends as "Beauty Brett," owing to his perennial youth, and

to whom the familiar words of Virgil might well be applied:—

"Hic ver perpetuum acque alienis mensibus æstas"

was a strong judge but always fond of a joke. At the end of a term he used to say "Good-bye" to his friends at the Bar, and as he had been in office so long they thought he was about to retire from public life, but he would surprise them by adding the words, "for the present."

On one occasion he brought his little grandson with him into court and introduced him to those present as "a new judge." Mr Justice Brett showed himself to advantage in *nisi prius* and criminal cases. In his college days he was stroke of the Cambridge Eight, and on all occasions he was popular with ladies of Society. On one occasion he was asked by a lady for some tickets for a ball at the Guildhall, and when sending her the invitation he wrote, "I hope you will smile on me, and also on the Lord Mayor."

The late Lord Esher, when Mr Justice Brett, was asked at the Carlton Club one day by another member, "Did I not see you walking with your Radical son?" At that time Mr Reginald Brett

was secretary to Lord Hartington and Liberal Member for Falmouth. "How came you to beget a Radical?" was the further inquiry. Sir Baliol was ready with his answer, "He was not a Radical when I begat him."

It was Mr Justice Brett who tried the gas stokers for conspiracy some years ago. It was the old story — an employé belonging to a Trade Union had been dismissed for misconduct and, because he had been replaced by a non-union man, the other members of the society refused to continue to work. The result of the strike might have been disastrous as it would place the Metropolis in darkness for hours. A prosecution, in which Mr Hardinge S. Giffard (now Lord Halsbury, ex-Lord Chancellor) led for the Crown, was instituted against certain of the strikers. Mr Justice Brett summed up the case very briefly to the jury, who brought in a verdict of guilty, but with a recommendation to mercy on the ground that the men had been "misled." The learned judge, however, did not see fit to regard the jury's recommendation and sentenced the prisoners to twelve months' hard labour. "I cannot doubt," he said in passing sentence, "that the obvious result was great

"danger to the public; that that danger was present "in your minds; and that, acting upon the know- "ledge of the effect you thought it would have upon "your masters' minds, you entered into this great "conspiracy—a wicked and a dangerous one—in "order to force your masters to follow your will." The sentence created a great hubbub among the partisans of labour; it was pronounced as cruel, unjust and unprecedented, and of course there was the usual outcry which expressed sympathy with the victims. But who can say the sentence was excessive if one can realise the grave danger the public were put to?

Another sensational case which came before him shortly afterwards was that of Colonel Valentine Baker—and oddly enough over this case he was attacked for the over-leniency in the sentence which he passed. In his own words the judge described Colonel Valentine Baker's offence as being "as bad as such a crime could possibly be—there was no palliation." The punishment was a fine of £500 and twelve months' imprisonment as a first-class misdemeanant—who, it may be remarked, is not deemed a "criminal prisoner" within the meaning of the Prisons Act, 1863.

Colonel Valentine Baker served his sentence in the then Surrey County Gaol in Horsemonger Lane. Of course an outcry was raised, "One law for the rich and another for the poor."

Mr Justice Brett afterwards took the title of Lord Esher, and when his younger son died caused a vault to be built, over which were sculptured figures representing himself dressed in his robes of office and his wife by his side. Lady Esher lived to a great age; she was considered a most popular hostess and regarded as a *grande dame* of Society. She and her husband are now laid to rest in the vault above referred to, which is in the churchyard of the town from which Lord Esher derived his title.

Mr Justice Blackburn was no lover of the fair sex, and I was present in court at Hastings when he presided over the election petition in which Colonel Somerset Calthorpe attempted to secure the unseating of Mr Thomas Brassey, now Lord Brassey, for bribery. Serjeant Ballantine, who led for the prosecution at the trial of Müller, was first of the counsel retained, and his partiality for ladies was well known. A lady on the Bench in passing the judge's seat became entangled in his

robes, and there was a certain amount of merriment on the part of the Bar at the occurrence. "I have never been in such a predicament before," remarked Mr Justice Blackburn. "We are well aware of it," the serjeant answered, with a knowing look.

Mr Baron Martin presided at the Derby Winter Assizes, in the early sixties, when a case of murder, which had created an extraordinary amount of interest, was tried by him. A man, well connected, by name George Victor Townley, was indicted for the murder of a young lady, Miss Florence Goodwin, the daughter of Colonel Goodwin, who lived near Wirksworth, a picturesque spot in the Peak district. The prisoner had formed an attachment for her, but his advances were not reciprocated. Counsel for the defence submitted that the prisoner at the time he committed the crime was not responsible for his actions. Mr Baron Martin, whose summing-up is recorded in Taylor's *Medical Jurisprudence* with regard to the law of insanity, was very emphatic in his direction to the jury, and his doctrine of law as laid down in Townley's case may be taken as the rule in all cases where the defence of insanity is set up. "I did not sit down to try

" this case," said the learned baron, " knowing the " defence that would be raised, without carefully " considering the law as I shall lay it down to you. " I shall exclude the ruling of the judge who tried " Bellingham for the murder of Mr Percival, because " I know that that ruling has been objected to; but " I shall tell you this: that if the prisoner knew the " difference between right and wrong, and knew that " the act was contrary to the law of God and man, " then he was responsible for it. The contention of " the defence that he committed the act in a moment " of frenzy, having lost all power of self-control, " really amounts to this: that he was overcome by " the passion of jealousy, and this is one of the " passions which the law of England is intended to " restrain or punish." The jury found George Victor Townley " Guilty," and he was sentenced to death. The Home Secretary was inundated with petitions in his favour, and as a result his sentence was commuted to one of penal servitude for life. The prisoner, however, did not long survive, for whilst at Pentonville he threw himself over the railing from the highest corridor, where he was confined, and was killed on the spot.

Baron Martin was very fond of horseflesh, and

was once hearing a case at the York Assizes in regard to the warranty of a horse, where it was alleged that the animal was suffering from a rather obscure navicular disease. An old Yorkshire horse-coper was giving evidence in the witness-box, and counsel inquired of the witness, "Please tell my lord and the court what is a navicular disease." With a knowing look, and pointing his thumb up to the judicial Bench, the witness added, "You ask th' old 'un; he will tell you." Navicular disease, by the way, is a disease of the navicular, or scaphoid, bone of the foot.

Mr Baron Martin's love of horseflesh may be singularly illustrated. He had ridden over from Monmouth, through the Forest of Dean, to the boundaries of the city of Gloucester, in company with his friend and marshal, the late Mr John Canning-Doherty—son of the late Chief Justice of Ireland who tried Mr O'Brien. The sheriff's carriage, with a splendid team of blacks, coachmen and footmen wigged and powdered, and the great dignitary himself with his chaplain, had been kept waiting on the bridge over the appointed time. The judge, who had lost his way in the forest, arrived somewhat late, and the High Sheriff, who

had been subjected to ridicule by the little *gamins* by the roadside, had his temper ruffled and did not receive the judge with the respect due to the Queen's representative. Mr Doherty was determined that the High Sheriff should apologise, but the Baron kept saying, "I don't want a row, Doherty." As Mr Baron Martin was about to proceed to the cathedral the High Sheriff was introduced and apologised to the judge and remarked, "I knew your lordship's love of a horse "and I had secured a matchless team of 'blacks' "to do honour to your lordship. I don't know "whether you noticed them."

"I should think I did," replied the kind old Baron. "I never saw a better-matched team in my life," and shaking hands with the High Sheriff the judge entered the carriage to proceed to the cathedral, eyeing with pleasure each horse in the team.

Probably no kinder judge ever sat in the Court of Queen's Bench than the late Lord Justice Lush. Courteous in the extreme, he won the regard of the Bench and Bar. He played a prominent part in the famous Tichborne trial at Bar; and I can recall now his quiet smile when the notorious Luie, *alias* Landgren was identified

as a convict. It was Mr Justice Lush who administered a home thrust rebuke to Dr Kenealy, the Claimant's counsel, who exceeded the limits of good taste in regard to his aspersions upon the learned judges constituting the Court. Dr Kenealy was proceeding to quote from the Bible, and suggested that the Claimant, if convicted, might adopt the words, "I was hungry, and ye gave me no meat," etc. The court was much moved, and Mr Justice Lush, looking sternly at the defendant's counsel, exclaimed, "Dr "Kenealy, you have passed all bounds of propriety. "I am astounded that you should have so grossly "and wilfully insulted Her Majesty's judges, know- "ing, as you must do, that you owe a *double* allegi- "ance to Her Majesty's Court." A covert allusion was directed to the fact that it was mainly owing to the Chief's influence that Dr Kenealy was promoted to the position of Queen's Counsel and called within the Bar. The scene in Court was unrivalled. It was a hot July day, and although the luncheon hour had not yet arrived, Cockburn announced that after the virulent abuse of counsel it was most expedient in the interests of justice that the Court should then adjourn till next day.

I always thought Mr Justice Byles a severe judge, and without much feeling, but the following went to show that the view I held of him was not well founded. It happened that I mentioned the opinion to my old friend, the late Dr Henry Bullock, my father's physician, of Great Cumberland Place. He was surprised, and observed, "How little you can judge a man by appearances. "I am Mr Justice Byles's doctor, and as sure as I "read that he had passed the capital sentence at the "Old Bailey, so sure was I to receive a telegram "from Lady Byles asking me to come down to see "the judge and give him a narcotic."

CHAPTER IV

OTHER FAMOUS JUDGES—SIR FITZROY KELLY, LORD BOWEN, MR JUSTICE STEPHEN, MR JUSTICE KEATING, MR JUSTICE MATHEW, MR BARON CHANNELL, LORD ALVERSTONE, MR JUSTICE KENNEDY, MR JUSTICE DARLING AND MR JUSTICE GRANTHAM

ANOTHER great judge of more recent times was Sir Fitzroy Kelly, the last Chief Baron of the Court of Exchequer. The Chief Baron was instrumental in the repeal of the Malt Tax, and he gained the title of "Apple Pip Kelly" in a peculiar way. He was counsel on the Norfolk Circuit at Aylesbury for the Quaker Tawel, who was indicted for a notorious murder, the result of prussic acid. Sir Fitzroy Kelly was retained for the defence, and suggested that the prussic acid found in the body of the deceased might have been caused by a love of apples and swallowing the apple pips, which contained minute quantities of prussic acid. Fitzroy Kelly remained on the Bench to a very advanced age. He was always a great believer in dates, and on one occasion, during the progress

of a case at *nisi prius*, the heat of the court overcame him and he appeared to be dozing. The question at issue was the delivery of a cargo of dates. Suddenly the Chief Baron woke up and inquired of the learned counsel who was arguing the case, "What did the cargo contain?" "Dates, my lord," was the reply. "Most important," said the Lord Chief Baron, and he grasped his pen and was alert throughout the rest of the action.

The late Lord Bowen was a brilliant, intellectual and clever judge, as shown by the way in which all cases that came before him were decided. On one occasion reference was made to the fact that a publisher, who was credited with driving hard bargains with authors, had built a church at his own expense. "Ah," said Bowen, "the old story—'Sanguis martyrum semen ecclesiæ.'" The following is a good specimen of a poetical request for a lift to the Lord Chancellor's breakfast in 1883 which he addressed to his old friend, Mr Justice Mathew:—

"My dear J. C.,—Will you be free, to carry me, beside of thee, in your buggee, to Selborne's tea, if breakfast he, intends for we, on 2 November next D.V., eighteen hundred and Eighty-three

A.D., for Lady B., from Cornwall G., will absent be, and says that she, would rather see, her husband be, D dash D, than send to London her buggee, for such a melancholy spree, as Selborne's toast and Selborne's tea."

When Mr Justice Stephen retired from the Bench all his brethren attended at the Law Courts and the present Lord Chief Justice (then Sir Richard Webster) in an eloquent address bade farewell to that great judge. Much feeling was created by the speech, and Lord Bowen, turning to the late Lord Coleridge, who was then Lord Chief Justice, whispered, " May there be no moaning at the Bar when I put out to sea."

Lord Bowen was one of the counsel in the Tichborne case, but when he was raised to the Bench he had had very little experience of criminal law. On his first circuit (the Northern) his colleague was Mr Justice Lush, and he told the Bar that they might rely on his sentences being just as he intended to consult " Brother Lush " in regard to all prisoners brought before him before passing sentence.

Mr Justice Stephen was one of the strongest and ablest criminal lawyers of the last century, and

his attempt to codify our law—if carried out—would have materially simplified our judicial system. I was present at Liverpool when he tried Mrs Maybrick, and so exact was he in his summing-up and so anxious to assist the jury in arriving at a right conclusion that I was somewhat amused when he suggested to the jury that he would telegraph to the British Museum for the best dictionary that could be had if that would help them to discover the precise meaning of the medical term "Petechie;" but they expressed themselves as perfectly satisfied with the late Dr Tidy's definition that it meant aborescent spots on the abdomen and did not trouble his lordship to send for the book. After the judge's death his clerk, Philip Dyke, became clerk to Sir Francis Jeune. Mr Dyke was an old friend of mine, and day after day, during the Maybrick trial at St George's Hall, Liverpool, I sat by his side on the Bench; after the trial he showed me the judge's notes, which concluded with the ominous words, "Guilty—death." Poor old Dyke did not relish copying out the notes for the Home Secretary. Mr Justice Stephen wrote a terrible hand, as I myself can testify, for I had several letters from him about his book on the law

of evidence, and Dyke—knowing that in all cases of murder it is necessary for a copy of the judge's notes to be sent to the Home Secretary—had anticipated what would be required of him, and night by night he transcribed from the judge's note-book the evidence which had been taken down and which Dyke alone, from long practice, was able to read. We had a walk in Liverpool after the sentence had been passed and I shall never forget the scene outside St George's Hall; the crowd was enormous and was composed chiefly of the Irish population of Liverpool, who were indignant with the judge, not so much on account of the Maybrick verdict but because Mr Justice Stephen had, in the Civil Court at Manchester only a few days previously, decided a case between Mr O'Brien and Lord Salisbury in favour of the latter against their countryman, and because Sir Charles Russell—also their compatriot, who had defended Mrs Maybrick—had been defeated. A row had been anticipated, and the sheriff's carriage, with its magnificent four horses with the outriders, awaited the judge and sheriff at one of the side entrances to St George's Hall. When the learned judge appeared in his robes, carrying the black cap in his

Photo.: Fall]

COLONEL FRED BURNABY

Hero of the Ride to Khiva, and brother of the author

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hand, and the huge mob caught sight of his massive frame, they yelled and shouted in their frenzy. Missiles and stones were thrown at the carriage, and I myself assisted in the arrest of one youthful miscreant who had thrown a huge brick at one of the horses. The sheriff's coachman had, however, been fully equal to the occasion, and, with judge, sheriff and chaplain safely seated in the carriage, whipped up the horses and the cavalcade passed amid the crowd at a galloping pace in the direction of Newsam Hall—a magnificent mansion on the outskirts of Liverpool where the judges reside during the Assize weeks. Poor old Dyke told me of a very amusing incident which occurred at Newsam Hall the day after the trial. An enterprising, sandy-whiskered American reporter by some means or other obtained access to the house in the early morning, and before anyone could stop him had mounted the staircase and met Mr Justice Stephen—who at that time was very unwell—coming out of his bedroom. Having informed the learned judge that he had come to interview him, his lordship, infuriated with rage and with a voice full of spleen, shouted to Dyke to eject the intruder in a summary way from the back door.

Mr Justice Stephen presided over a very curious case of constructive murder, and a perusal of the details of it will show that our law contains many anomalies which need reform.

A man of the name of Serne was charged with the murder of his children in the Strand, the victims being burnt to death as the result of arson clearly committed by the prisoner. Legally, Serne was guilty of murder in the same sense as a medical man is guilty of murder where death occurs as the indirect result of an illegal operation. But juries are loth to convict in these cases, and in this one against Serne a verdict of " Not guilty of murder " was returned. The prisoner was subsequently tried again for arson before Mr Justice Stephen, one of the greatest judges of his time, and sentenced to twenty years' penal servitude. Mr Geoghegan, who defended Serne, pleaded *Autrefois acquit*, and suggested that the prisoner, having been acquitted by the court on the charge of murder, could not be tried for arson. From a commonsense point of view he was right, but the learned judge overruled the objection by remarking that the first jury had simply said that the prisoner was not guilty of murder, and had not by any means expressed an

opinion as to how the children had met with their death.

Amongst other judges whom I have heard occasionally both at the Old Bailey and on circuit I must mention Mr Justice Keating. He was Solicitor-General at the time when he was promoted to the Bench as a judge of the Court of Common Pleas. I am reminded of an amusing trial which was heard by him in the Nisi Prius Court at Leicester when my cousin, the late General Burnaby, who at that time was a colonel in the Grenadier Guards and was afterwards Member of Parliament for North Leicestershire, brought an action against a farmer. My cousin, who was rather fond of litigation, had sold some timber in a fox covert at Baggrave to the defendant, and it was part of the bargain that no fences should be damaged in the removal. Considerable injury was done and my cousin brought an action to recover damages. Mr Bulwer, Q.C., represented the defendant, and his cross-examination of "Eddy" was very amusing to everyone in the court. Counsel asked him if he was not in the habit of bringing actions against several of his tradesmen, to which my cousin remarked that if he

ordered a special coat for the Derby and it did not arrive in time for him to wear it at that classic race, and his tailors sued him for the price of the coat, he would, of course, resist payment. Then said Mr Bulwer, warming up to his work, "How did you plant the trees, colonel?" "Longitudinally," replied my cousin. "Is that how the Guards stand in the Park?"

"I don't know so much about that," said my cousin.

However, "Eddy" won his case, and years after when I reminded Mr Bulwer of it he told me that my cousin had evidently not forgotten his cross-examination. Mr Bulwer then narrated to me a little incident which occurred when he was in command of the corps of the Devil's Own at Aldershot. His regiment had got into some confusion, and a little man in a busby, who was on the staff, galloped up to him and, recognising his former opponent, shouted out, "Is this the way the Guards stand in the Park, Bulwer?" It may not be generally known that the Devil's Own owe their origin to the great lawyer, Lord Erskine, and that they owe their title to George IV. Shortly after the formation of the corps Erskine was riding

with the King in the Park, and as a regiment passed by the King inquired what they were. "A corps, sire, I have recently formed," replied Erskine, "made up of lawyers."

"Then call them the Devil's Own," was the witty remark of the King.

The last time I saw Mr Justice Keating was at the Old Castle Hall at Oakham, which is only a few miles distant from dear old Somerby and Burrough, famous in the annals of the Cottesmore and the Quorn. As usual there were no prisoners for trial and the judge was presented with a pair of white gloves. The walls at the castle at Oakham are hung with horse-shoes of every possible shape and design. It is the custom for every sovereign or peer who visits the town to leave a horse-shoe, and a gold one marks the occasion of the visit of Queen Elizabeth when she stayed at "Burleigh House by Stamford Town."

I have heard Lord Justice Mathew on several occasions. When he was in the Queen's Bench Division a man I knew very well at Ventnor, a German by birth, who managed a hairdressing establishment where he kept two assistants, was the victim of a wicked scheme on the part of one of

them. This fellow, having discovered that his employer had contracted a second marriage while his first wife was yet alive, put the police on his track and he was arrested. The assistant was evidently actuated by sinister motives, and thought if his master was convicted he would step into the business. The case was first heard at the police-court at Newport, and the first marriage was proved as having been contracted in Scotland. I am ashamed to say I myself caused a good deal of trouble to the Bench by suggesting to the prisoner's solicitor points of the law in regard to Scotch marriages. However, my friend the barber was committed for trial at Winchester, bail for a small amount being allowed, the offence (if any) being a very slight one. I originated a petition, which was numerously signed in the island, and promised the barber I would attend at the Assizes and present it to Mr Justice Mathew myself. Thinking the case would not come on the first day of the Assizes I did not leave Ventnor. Mr, now Sir Charles Mathews, who was retained for the defence, advised his client to plead guilty, and when the judge proceeded in solemn tones to pass sentence the hair-dresser shouted to him in German accents, "Pray,

my lord, vate, vate, vate, vate! Mr Barnabus, he bring petition to-morrow!" The learned judge, however, continued his speech, remarking that he would not allow that court to be used for purposes of spite, sentenced the barber to a day's imprisonment, and ordered his immediate release. On his return to Ventnor that night I visited the barber, but he never forgave me for leaving him in the lurch, although he was somewhat pacified by the reception he met with at the railway station. Three fiddlers who used to play on the beach met him, and going before his cab escorted him to his shop to the tune of "How happy could I be with either, were t'other dear charmer away."

Mr Baron Channell was presiding in August 1879 at the Exeter Assizes, when a notorious baby farmer, Annie Took, was being tried for murder. He concluded his summing-up to the jury late on Saturday night, and at midnight they returned to the court and said there was no chance of their agreeing on their verdict. Now although in all case of felony, when in progress, an adjournment can take place over the Saturday the jury cannot continue their deliberation on the Sundays, which is *a dies non* in law. Mr Baron Channell accordingly

discharged the jury, and the prisoner was tried again, convicted, and sentenced to death, but the sentence was commuted. An objection to the second trial was made by the prisoner's counsel on the ground that the woman having been given in charge to the first jury with the words, " For the prisoner now stands on her deliverance," and that, therefore, the first jury was bound to have delivered their verdict, was overruled.

Lord Alverstone has shown himself a very strong judge. Without the marvellous genius of Cockburn, or the rhetoric of Russell, or the suavity of the silver-tongued Coleridge, he has yet maintained, in the fullest degree, the dignity of the Bench as Chief Justice of the High Court. His trial of Bennett, the Yarmouth murderer, at the Old Bailey, when Mr Marshall Hall defended the prisoner, proved to the Bar and to the public that no man was ever more alive to the dignity of his position, or was more keen to do justice between man and man, and his recent conduct of the case of Rayner at the New Old Bailey for the murder of Mr Whiteley has proved him to be an able criminal judge.

Mr, now Lord Justice Kennedy, who was at Eton

with me and captain of the school in 1863, is one of the most humane judges on the Bench. Soon after his appointment he went on the Midland Circuit and in the Calendar at Northampton there was a serious charge of murder which he proceeded to try. Now in all cases of felony the jury are not allowed to separate during the progress of the trial; if the case lasts over a day they are taken to an hotel by the usher of the court, and during the mid-day adjournments are also under his charge during their luncheon. He is sworn on oath "that he will suffer no one to speak to them, nor will he speak to them himself." Now in the case at Northampton, during the trial one of the jury managed to get away from his other companions and had a walk in the town. On their return to the box counsel brought the matter to the notice of the judge, who, realising the importance of the question, adjourned the case for the day. Mr Justice Kennedy went up to London that very night, I believe, and consulted his chief—Lord Coleridge. The next day the judge announced that the case must be re-tried, but promised that, rather than keep the prisoner awaiting his trial until the next Assizes, when the circuit was over he would return from

Warwick to Northampton again. This he did and the trial took place on the 23rd December and the prisoner convicted on the eve of Christmas.

I have heard Mr Justice Darling plead many a case on the Oxford Circuit. It seems only yesterday that at the request of Mr Justice Hawkins he defended a prisoner called Davis—otherwise "Jimmy the Cheeseman"—who, with two other prisoners, was charged at the Worcester Assizes in 1880 for robbing an old man of his watch, and afterwards, so it was said, pushing him into the River Wye at Hereford. All three prisoners were acquitted of the charge of murder, but were convicted for the theft of the watch. Mr Darling made a most successful speech for his client, and I wonder if the dapper little judge still retains the few lines of approbation which Mr Justice Hawkins threw down from the Bench as a presage of his prosperous career at the Bar.

Of the fifteen common law judges in the King's Bench Division there is one for whom I have the greatest personal regard. I refer to Mr Justice Grantham, who is now the senior puisne judge. I saw a great deal of him during the Maybrick trial at Liverpool, where he was presiding in the Civil

Court. He has his enemies because, having a keen sense of what is right, he gives vent to his opinion and the truth is not always palatable. He tried Chapman, the Pole, whose real name was Klosowski, who was convicted for the murder of his three wives. His summing-up to the jury was especially lucid and to the point; the death of the three women evidently being caused by the same poisoning—the symptoms were all similar. In the famous trial of Mr Beck, Mr Justice Grantham appears to have realised that the prisoner's guilt was not clear, and in many other cases tried by him I have always noticed that he at once grasped the facts and his charges to the jury are always directed to the real issue.

An amusing incident occurred when he was presiding in the Crown Court on circuit. The prisoner told the prosecutrix to go to a place the name of which is unmentionable. During the progress of the trial Mr H. G. Shee, K.C. (a son of the old Serjeant), referred to the incident and the learned judge remarked to him, " Do you put in a map, Mr Shee. I have not got this place on my notes. Is it anywhere on the road to Eccles? "

Mr Justice Grantham told me an amusing

anecdote which shows that a judge minus his robes and wig is not always identified. Once at the Old Bailey he had tried Lady Saltoun's butler for robbery, and her son, the present peer, had given evidence in the trial. Later in the day judge and witness met at the Carlton Club, and getting into conversation Mr Justice Grantham referred to the case.

"But I never saw you in court," said Lord Saltoun.

"Oh, yes, you did," rejoined Mr Justice Grantham, "you spoke to me for some time."

"No," answered Lord Saltoun, "I only spoke to my counsel and the judge."

Mr Justice Grantham smiled and quietly added, "I happened to be the judge."

To Mr Justice Grantham I think the ode of Horace—familiar to me in my Eton days, when my dear old tutor, the Rev. Herbert Snow, now the Rev. Canon Kynaston of Durham, initiated me into the art of Latin verse writing—may fitly be applied:—

> "Justum et tenacem propositi virum
> Non civium ardor, prava jubentium
> Non vultus instantis tyranni
> Mente quatit solida."

CHAPTER V

MR JUSTICE HAWKINS (LORD BRAMPTON)

LORD BRAMPTON, better known as Sir Henry Hawkins, who derived his title from Brampton, a small village in Huntingdonshire and one connected with my own family for nearly five centuries, will doubtless be considered one of the strongest judges of the last century.

As an advocate and skilled cross-examiner he had few equals at the Bar, and like his friend Serjeant Ballantine he soon discovered the weak points of his opponent's case and turned them to the best advantage. Without the great forensic oratory of Erskine or Brougham, yet, like them, he studied the faces of the juries before whom he appeared and soon was in touch with them. The late Mr Baron Martin predicted his success, and when it is mentioned that he refused a fee of fifty thousand pounds marked on his brief it may be doubted whether any member of the Bar ever

realised so large an income from his professional labours.

I was present at Croydon when he acted as one of the counsel for the defence of one of my brothers' oldest friends, the late Colonel Valentine Baker, who was tried before Mr Justice Brett, afterwards Lord Esher. In the famous Tichborne trial at Bar before the Lord Chief Justice of England (Sir Alexander Cockburn), Mr Justice Mellor and Mr Justice Lush, Mr Hawkins, as he then was, represented the Crown with the Attorney-General —Sir John, afterwards Lord, Coleridge—and a great legal authority once remarked the case would never have been so unduly prolonged had Mr Hawkins had the sole conduct of the case for the Crown, and the fraud would have been exposed as soon as the Wapping episode was reached, and the claimant identified as the son of a butcher of that place. I was present during nearly the whole of that famous trial at Bar at Westminster in 1872, and I can recall, as if it were yesterday, the shrewd cross-examination of Jean Luie, the ex-convict, who had recognised the claimant as Sir Roger Tichborne, and declared he had picked up the missing Baronet on board the *Osprey*, when he was

supposed to have been lost at sea. I can recall the chagrin on the face of the notorious witness when, on the testimony of his own wife, Mr Hawkins exposed him as a convict who had undergone penal servitude, to where he was relegated again for seven years by the late Mr Justice Brett on conviction for perjury in reference to the Tichborne case. With the exception of Lord Brampton, Lord Halsbury and Lord Justice Mathew, nearly all the actors in that famous trial have crossed the Bar. Shortly after the Tichborne trial Mr Hawkins was raised to the Bench, and soon gained the reputation of being a great judge. Criminals of the Charles Peace type found little mercy at his hands. A good story is told of a prisoner who made a remark to a policeman who arrested him, and the judge inquiring the nature of it the constable hesitated. "What did the prisoner say?" asked the judge. "Well, please, my lord, if I must say it, he expressed a hope that he shouldn't come before that old Hawkins."

Lord Brampton presided at many famous criminal trials. Mrs Dyer—the baby-farmer, one of the most notorious criminals who ever expiated her crimes within the walls of Newgate—Dr Neil

Cream, Milsom and Fowler, as well as several of the perpetrators of dynamite outrages were tried by him.

Mr Justice Hawkins was a most lenient judge in the case of women who had been deceived. I remember very well a young woman being sentenced to death by him on a Friday afternoon at the Old Bailey. The circumstances were very painful, and of course it was apparent that the capital sentence would not be carried out. The chaplain of Newgate informed the judge that it was customary for the sheriff and other officials to inform the convict on the Monday morning after the sentence as to the date of the execution. The time was short, but as a proof of the judge's kind heart he himself at once made a personal visit to the Home Office and the reprieve was despatched to Newgate in time to prevent the painful ceremony.

Mr Justice Hawkins' love of dogs is well known, and his affection for his fox-terrier "Jack," who accompanied his master on circuit and was always seen in the Sheriff's carriage, was very great. In the summer of 1885 Mr Justice Hawkins and Mr Justice Field, the late Lord Field, the veteran

ex-Judge, were in the commission at Bristol, and after a hard day in the Crown Court on a beautiful evening I followed the judge from the promenade at Clifton up the steep path which leads to the Observatory. The judge was escorting "Jack" by a string, and when they arrived at the summit—where a view of country scenery quite unequalled may be obtained—Mr Justice Hawkins stopped and pointed out to "Jack" the Suspension Bridge and the beauties of the surrounding country.

Mr Justice Hawkins was a great favourite with Royalty, and was a welcome guest at the annual "Derby dinner" given by the King when Prince of Wales, and continued since his accession to the throne. He was well known at Epsom and on Newmarket Heath, and an amusing anecdote in connection with his love of racing is recorded. On one occasion his old friend, Lord Falmouth, was running two horses in the same race. His colours were magpie, and it was determined to run the second horse with a jockey wearing black. At the last moment a cap was wanting, but as Mr Justice Hawkins emerged from the "bird-cage," poor Fred Archer, catching sight of the familiar features of the judge, called out to Fordham,

"We are all right now, here comes Harry Hawkins and he is sure to have a black cap in his pocket!"

Another interesting and rather comical anecdote in regard to the judge may be remembered. On the occasion of a dinner at the Temple for the anniversary of one of the Inns of Court the Prince of Wales presided, and in proposing the toast of the evening remarked to the Benchers that it was not only the anniversary of the "Inn," but also of the call to the Bar of his Right Honourable friend Sir Henry Hawkins, who was present. Mr Dan Godfrey, the famous conductor of the Grenadier Guards Band, who led the orchestra, took the cue, and the band having struck up the familiar air the President, Benchers and Juniors alike joined heartily in the refrain of Chevalier's well-known song, "How do you fancy Hawkins for your other name?" which was then all the rage, the learned judge smiling benignly upon the scene of merriment.

Another original story within my own memory of the judge's skill as a cross-examiner may be mentioned. A well-known officer of the Guards had a horse, which was attached to a brougham,

injured near Victoria Station. A doctor's carriage preceded the brougham, and the coachman pulling up suddenly the Guardsman's horse came into contact with the spikes at the back of the doctor's carriage and had to be killed. The Guardsman consulted a solicitor and Mr Hawkins was retained to conduct the case. It was advised that a polite letter should be written the doctor asking for a cheque for one hundred pounds for the loss of the horse. A sharp refusal was the only reply and an action ensued. The first witness called was the doctor's coachman, and taking up a daily paper and reading from the advertisements Mr Hawkins proceeded to read, "'Wanted a man to do a bit of gardening, milk, and drive if required.' Anything in your line?" he inquired. "No," replied the old Jehu, "I'm a coachman." "Ah!" rejoined the counsel, with a keen look at the jury, "you are the very man to tell me the rules of the road. Now, on this occasion did you draw up your reins with one hand?" "No, both," replied the witness. "Now," proceeded Mr Hawkins, "is it customary for the coachman in front to hold up his whip to the driver behind as a signal that he is going to stop? Did you hold up your whip? How

high?" said the counsel; and by means of a quill pen and magnetic influence as Mr Hawkins raised his pen he induced the witness to lift his hand until it had reached an impossible height, when he was at once confronted by the piercing look of his cross-examiner, who, with the significant lifting of the brow which all who know Lord Brampton will remember as a peculiar characteristic of him, demanded, "Now, do you mean to say you held your whip up so high when a few moments ago you swore you drew your reins up with both hands?"—and the case was won and heavy damages awarded against the doctor.

Lord Brampton's "little mouse story," as it is called, is worth repeating as a proof of his love for animals. A convict was charged before him at the Old Bailey for the attempted murder of a prison warder. The prisoner had kept a little mouse in his coat sleeve, and his pet had cheered the solitude of his cell. One day the warder who brought in his dinner caught sight of the mouse and killed it in the convict's presence.

The man, enraged almost to madness, picked up his knife and made a rush for the warder, who managed to escape beyond the cell, and the

thrust intended for him only injured the panel of the cell door. Now, by a rule of law, a man cannot be convicted of an attempt to commit a crime which at the moment was impossible. The late Mr Montagu Williams defended the prisoner, and at once seized on the point. His objection was fatal to the charge, and the jury were directed to find a verdict of not guilty, evidently to the satisfaction of the learned judge.

Mr Justice Hawkins was a keen lover of the chase, and on one occasion when on the Midland Circuit was the guest of my cousin, the late General Burnaby, M.P. for North Leicestershire, who mounted him, and a fox being found in the Prince of Wales covert at Baggrave, the judge, who rode well with the Quorn, was presented at "the finish" with the brush, which his host had dressed for him. It may be mentioned as a proof that the love of sport is common to all classes, that amongst the General's guests at the time who followed the hounds was the Archiemandrite of Persia, who, despite the weight of his robes, went well.

With the resignation of Lord Brampton a long line of giant judges ceases—Cockburn, Erskine, Scarlett, Brougham, Denman, Alderson, Wight-

man, Pollock, Bramwell, Martin, Brett, Blackburn, Russell of Killowen, Fitzjames Stephen have all gone. When shall we see their like again? I am no "laudator temporis acti," but a Bench which can produce such men will find it difficult to secure giants of the same power to follow in their train.

The late John Toole, before his death, confided to me a good story the last time I saw him *apropos* of Mr Justice Hawkins.

The judge was on the Midland Circuit, at Derby, and Toole happened to be playing at the theatre in the town at the time, and, catching sight of the features of the actor in the body of the court, the judge sent him a note by the usher:—"DEAR JOHNNY,—Shall be sitting late to-night. My dinner will be your supper. Come to the 'lodgings' after the play and have a chat." A pleasant evening was spent, and when Toole took his departure the judge held a candle to light him downstairs. "What are you going to give that cove you tried to-day?" said Toole, looking up; "I didn't think it a bad case myself." "Well, said Hawkins, "I thought five years, and I shall pass sentence to-morrow." "Thank you," said

Toole; "I will just run round to the newspaper office and tell them the sentence before it is passed. It is not every actor who is in the know with a judge." "If you do," said Hawkins, "I will never speak to you again." "Oh! I could not miss such a chance," said Toole; "think what a notice I shall get for my play if I tell them." There was a twinkle in his eye which Hawkins noticed, and he appreciated the situation, and host and guest parted good friends.

I will conclude with a short poem which illustrates Lord Brampton's career:—

"Amongst the judges of great fame
The Bar will tell Lord Brampton's name,
A judge impartial, just and strong,
Feared by all who will do wrong.

No kinder heart than his was found
When e'er for mercy there was ground,
No erring woman's piteous tale
With him was ever known to fail.

And now Life's course is nearly run,
E'en as the sinking of the sun.
May his closing years be blest
Till he finds unending rest."

CHAPTER VI

NOTABLE COUNSEL

Mr Montagu Williams probably defended more criminals at the Old Bailey than any living barrister, and with his twin friend, Mr Douglas (now Sir Douglas) Straight, Mr C. F. Gill, K.C., and Mr (now Sir) Charles Mathews, was engaged in nearly every celebrated case that took place there.

Another well-known figure at the Central Criminal Court was my very dear old friend, Mr Serjeant Sleigh, who died at Ventnor. I was with him but a few moments before his death. I persuaded him shortly before that sad event to join me in a quiet dinner at which Lord Alverstone, then known as Sir Richard Webster, Lord Chief Justice of England, presided. Sir Richard, who was Member for the Island, when he came to speak, remarked upon the pleasure it gave him to meet one of his old comrades-in-arms, Serjeant

Sleigh, although, as a matter of fact, the learned serjeant was called to the Bar long before the time of the then Attorney-General. "I observe," said Sir Richard, with humour, "that my old friend, the serjeant, has been sitting during dinner with another of my old friends, Mr Burnaby. I cannot help thinking he must have defended him at the Old Bailey. If he did, he must have got off without a stain on his character." I shouted the substance of the speech into the ear of the serjeant, who was very deaf, and, alive to the ridiculous, he remarked naïvely, "That is a most unwarrantable assumption, Mr Attorney-General."

No counsel ever appeared more often to prosecute for the Crown than Mr H. Poland (now knighted and formerly Recorder of Dover). I have seen him at several police-courts during the preliminary hearing of capital trials, and at the Old Bailey he seemed always to have the case ready for the first law officer of the Crown. Cold and apathetic, he looked as if he required a fire even in the middle of July. I used to pity the unfortunate prisoners against whom he appeared. He never omitted a point or fact. Singularly courteous to the presiding judge I can never

remember him smiling. He has now retired from the Old Bailey, and it would be interesting to know how many unfortunate criminals he has, by his unimpassioned speeches, helped to convict. I can conceive no man more opposite to the French *avocat* than Sir Harry Poland; no joke or pungent remark ever escaped his lips. The last time I saw him was at Bow Street, when he appeared before Sir James Ingham, the chief magistrate, to prosecute Burton and Cunningham in 1885 for attempting to blow up Victoria Station and the Tower. For the first three days of the hearing the prisoners were charged only with ordinary felony, but the accused looked aghast when Mr Poland, dressed in his usual mournful attire and high stiff collar, began to fumble over the pages of a musty old law book and asked permission to change the indictment. He informed Sir James Ingham that there was a very old Act of George IV. which had never been repealed, wherein it was enacted that anyone setting fire to any of the King's arsenals—such as the Tower—could be convicted and sentenced to death even if no lives were lost. He added that the Crown intended to charge the prisoners under that Act. As a matter of fact the prisoners were

not so charged at the Old Bailey, but nevertheless were sentenced by Mr Justice Hawkins to penal servitude for life and liberated from Portland not long ago, when other political prisoners obtained their freedom.

I knew Mr Lockwood—afterwards Sir Frank Lockwood—Solicitor-General, when he conducted the prosecution of James Canham Read at Chelmsford for the Southend murder. He was an excellent cross-examiner and an expert at witty stories. Some of these may be recalled. Whilst attending a reception in London, he, with Mrs Lockwood, was asked by the groom of the chambers, "What name, sir?" Hearing that functionary call out in advance, "The Macintosh and Mrs Macintosh," according to Scotch custom, Mr Lockwood quickly replied, "Well, 45 Lennox Gardens and Mrs Lockwood." Another well-known story in regard to poor Lockwood occurred during the hearing of the Parnell Commission, presided over by Sir James, afterwards Lord, Hannen, Mr Justice A. L. Smith and Mr Justice Day. During the trial Mr Justice Day never made a remark, although Sir James Hannen kept conversing with his colleague, Sir A. L. Smith,

afterwards Master of the Rolls. Lockwood, noticing the circumstance, was quick to exclaim, *sotto voce,* "K(night) telleth K(night) and Day communeth with Day."

Lockwood told me he once defended a notorious burglar at York, and received his instructions direct from his client in the dock.

"What defence?" bluntly asked Lockwood.

"*Alibi,*" replied the prisoner, believing in Sam Weller's line of defence.

"Let's have it," said Lockwood.

"Could not have put up this —— job," was the answer, to which the accused added, "I was away at Redcar at the time, a-burying of my mother-in-law."

"Have you got the undertaker?" was counsel's next question.

"Of course I have," he was told, and a very plausible defence was made. Had it not been for a very strong summing-up from Mr Justice Cave, who knew the prisoner's antecedents, Lockwood would have got his man off. But the jury found him guilty, and a long term of penal servitude resulted.

CHAPTER VII

DETECTIVES AND THE ARDLAMONT MYSTERY TRIAL

I HAVE known a whole host of detectives who have figured in famous trials at the Old Bailey. It may not be generally understood that in the old Newgate days, during the intervals between the monthly sessions, detectives from all parts of the Metropolis visited the gaol, when the prisoners awaiting trial were drawn up in a line on the parade ground and inspected by acute and lynx-eyed members of the police-force from Scotland Yard in order to recognise "old lags," so that their previous convictions might be proved after their trial at the Central Criminal Court. These periodical visits of the detectives had no terror for first offenders, but the hardened *habitués* did all in their power by twists and contortions of figure and face to escape the friendly recognition of the officers of the law. A nod on the part of the detective as he spotted his man was seldom returned by the culprit who,

passing this time under the name of "Smith, a Protestant," did not wish it to be remembered that he had done his seven years at Portland for a burglary when he had espoused the Catholic Faith under the name of "Robinson."

Amongst well-known detectives with whom I was acquainted, Inspector Tanner will be mentioned and his skill and adroitness in the Müller case will be alluded to. Detective Butcher I knew well, and in my mind's eye I can now see his massive frame as he stood in the gangway of the old court ready to prove a previous conviction against the prisoner in the dock. Detectives Brockwell and Greet—the latter an old friend of mine—played a prominent part in the Ardlamont Mystery trial before the Lord Justice Clerk at Edinburgh. He tried to discover the whereabouts of Scott—*alias* Sweeney, a friend of Alfred John Monson's—the expert in yachts, so it was said, and whose visit to that lovely spot on the Kyles of Bute was supposed to have been to examine Monson's yacht, *The Alert*, but whose real *rôle* in life was to attend race meetings, and who was present on the memorable tenth day of August 1893 when Cecil Hamborough was shot.

Many a yarn have I had with Brockwell and dear old Greet in the smoke room of the Royal Hotel at Edinburgh, and I can well remember his remark to me, " You ought to have been the detective and I the parson." What a merry party we were as we foregathered each evening during the trial, discussing the additional evidence, remarking on the prisoner's coolness and laying wagers on the verdict—all of us shrouded in fumes of smoke. There were present solicitors, writers to the signet, the governor of the gaol, barristers, press-men, my old friend, Tom Scott, of the *Westminster Gazette*, the *Star* men, the Procurator-Fiscal and all the financiers and representatives of Insurance Companies, whose assistance had been invoked by Major Hamborough, pulling one way, and Cecil Hamborough and his quasi-tutor, Monson, pulling the other way, to raise £43,000 to pay off the mortgage to the Eagle Company and thus release the estates and provide a small income for Major Hamborough and his son. Dudley Hamborough bore the ordeal of the trial well and Greet and he became great friends. Neither Greet nor Brockwell ever discovered the whereabouts of Scott, and day after day the usher, at the com-

mencement of the proceedings having called out, "The Diet of Her Majesty's Advocate against Alfred John Monson," called in vain for Scott to surrender. It may be remembered that Greet and Brockwell were assisted in London by the local policemen from Tighnabruaich, who spent six weeks at the Government expense sight-seeing, but never spotted the missing man.

I often wonder whether the Ardlamont Mystery will, like the Road murder, some day be made clear. Never shall I forget the concluding words of Monson's famous advocate—the late Mr Comrie Thomson—in the High Court of Justiciary at Edinburgh to the jury: "It may be, gentlemen, that some of you may think that, if your verdict sets this man at liberty and he is guilty, he will go unpunished. Believe me it is not so, it is contrary to the ordinance of Providence. There is a great God who is above all; He is Infinite; He is omniscient. Vengeance is mine, I will repay, saith the Lord."

Greet played a prominent part in Lord Queensbery's trial at the Central Criminal Court before Mr Justice Henn Collins, late Master of the Rolls and no mean successor to Sir George Jessel, now a

THE CENTRAL CRIMINAL COURT OF THE OLD BAILEY

A Reminiscence of other days—from a print of 1840

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Lord of Appeal. Poor old Q. got off with flying colours—Oscar Wilde consenting to a verdict of "Not guilty," which was tantamount to admitting his own guilt. A warrant was accordingly issued at the instigation of the Public Prosecutor against Wilde, and not all the ability of that great advocate —Sir Edward Clarke—could break down the case for the prosecution as elicited by Sir Edward Carson, and the prisoner received a sentence of two years' imprisonment with hard labour from probably the most humane and courteous judge who ever sat on the Bench. I allude to Sir Alfred Wills, who has recently retired from public life.

"De mortuis nil nisi bonum." Mr Justice Wills passed the extreme sentence under the Criminal Law Amendment Act and regretted that the sentence was so totally inadequate. No man ever more richly deserved his fate than the convict who worked out his sentence in Reading Gaol. His end was a sad one, and it is to be hoped that the morality of our country—which seems to be waning —will be maintained, and that those who thus transgress should not escape condign punishment.

Greet was instrumental in the conviction of

Kozzula for a murder in Bloomsbury, the prisoner being executed in Newgate.

A new generation of Scotland Yard detectives has sprung up, doubtless as skilled in their work as their predecessors, but I know them not; but if my record of those who did such good work in clearing the Metropolis of habitual criminals and thieves should meet the eye of any I have mentioned, I would wish to add that I valued their kindness, appreciated their anecdotes concerning the mysteries they were instrumental in clearing up, and often think of them and old unforgotten days.

CHAPTER VIII

EXPERT EVIDENCE

DURING the progress of many trials at the Old Bailey I have met several experts, both in regard to medical jurisprudence and also in reference to the question of insanity—for how often, when any other line of defence can have no avail, does counsel rely on the hope that he can prove that the prisoner is not responsible for the crime with which he is charged.

In the celebrated Maybrick trial Dr Stephenson and the late Dr Tidy—the one called for the Crown and the other for the prisoner—were directly in conflict as to the cause of Mr Maybrick's death. Dr Stephenson swore that death was caused by arsenical poison, all the symptoms of which were present, viz.—retching and an affection of the retina of the eye. Dr Tidy, on the other hand, declared that death was not due to arsenic, and it struck me at the time that as those experts stood prominent in their branch of the medical profession

one might almost despair as to a correct diagnosis where one's heart, liver or lungs were at fault. In the Maybrick trial Mr Justice Stephen rather disregarded the medical testimony and directed the jury to pay attention to all the facts of the case as links in one chain. "That doctors differ" is an axiom that was clearly proved in the case of Palmer. And I myself have suffered to the extent of hundreds of pounds in an action in the Chancery Division of the High Court which I won. I had no less than seven counsel to fee, and if the case had had to be decided by the medical evidence I should undoubtedly have lost; five medical men were called and they all differed one from the other, but Mr Justice North took a common-sense view and I won my case.

My old friend, Serjeant Sleigh, told me a remarkable story about medical experts. He was defending a prisoner at the Old Bailey who was charged before Chief Baron Pollock with poisoning. Dr Letheby, the famous expert and analyst, and who gave important evidence in the Palmer case, was the principal witness for the Crown. When in the witness-box he stated that he had operated on a guinea-pig (as being in all respects like a man)

with the poison which was supposed to have been administered in the case which was being tried. The examination-in-chief lasted till late in the afternoon, and the Chief Baron remarked, "Perhaps, Brother Sleigh, you would like to postpone your cross-examination of Dr Letheby until to-morrow morning." The serjeant's father, who was a medical man practising in Harley Street, and who happened to be present in court, invited his son to come home and dine with him, remarking that he thought that he could be of some assistance to him. During the visit the doctor pointed out to Serjeant Sleigh that it was reported in the work of Baron Cuvier, a famous French medical author, that the guinea-pig had no gall bladder, which is an important organ for the elimination of poison. Being thus primed the serjeant commenced his cross-examination of Dr Letheby next day at the Central Criminal Court.

"You chose the guinea-pig, doctor," exclaimed the serjeant to the witness, "as being in all respects like a man?"

"In all respects," answered the witness.

"I will take you through the different organs of the body," continued the serjeant. "Liver?"

"Yes."

"Heart?"

"Yes."

"Lungs?"

"Yes."

"Kidneys?"

"Yes."

"Gall bladder?"

"Yes."

"I believe," said the serjeant, "the gall bladder plays a prominent part in elimination of poison."

Dr Letheby nodded assent.

"Now," added the serjeant, warming up to his work, "I hold in my hand a work by Baron Cuvier. What is your idea as to the soundness of his opinion?"

"I would endorse it."

"Then," continued the serjeant, "supposing I were to tell you that Baron Cuvier says a guinea-pig has no gall bladder, what would be your opinion?"

"I always understood it had," was Dr Letheby's rejoinder.

Holding up the book to the latter's face the serjeant demanded, "Will you swear it has now?"

Dr Letheby hesitated but the serjeant had made his point and thus the prisoner was acquitted.

I have met several experts in regard to the question of insanity, and heard them give evidence in famous trials at the Old Bailey. Amongst others I have heard Dr Blandford, Dr Savage, Dr Forbes-Winslow, Dr Shepheard and Dr Bastin.

In the celebrated trial of Mrs Dyer, the baby-farmer, before Mr Justice Hawkins, the defence of insanity was raised. Dr Forbes-Winslow was called for the prisoner, and upon his stating in the witness-box that, as a proof of the unsoundness of the mind of the prisoner, she had heard voices, Mr Justice Hawkins quietly remarked, "And so do a good many sane people, doctor." I myself was present at the police-court at Reading when Mrs Dyer was first charged. Indeed, I assisted the police and stood on the Clappers Bridge for hours when they were trying to find out whether any more babies had been thrown into the Thames at that spot so well known to all boating men.

Amongst other medical experts whom I knew very well, and who was a most important witness for the Crown in the Wainwright case, was my old

friend, Tommy Bond of Delahay Street. He was consulted by the Treasury in all cases of autopsy. I often met him at Minehead when he followed the Devon and Somerset staghounds, when I used to hunt from that hotel of hotels, "The Plume of Feathers," of which my friend, Mr George Thristle, is the host. Dr Bond used to attend the late Mr Gladstone, and his sad end—when suffering from a dire disease—left the world the poorer, and I amongst many mourn his loss.

CHAPTER IX

THE PALMER POISONING CASE. DID COOK DIE FROM STRYCHNINE?

My recollection goes back to the trial of Palmer, the poisoner, who was arraigned before the Lord Chief Justice of England (Lord Campbell), Mr Baron Alderson and Mr Justice Cresswell for the murder of John Parsons Cook. A host of counsel appeared for the Crown on the one hand, and for the defence on the other. Sir Alexander Cockburn, then Attorney-General, led for the Crown, and had studied chemistry for three months previously so that he might be able to test the value of the evidence of the various medical experts who were called on either side. And with him were Mr Edwin James, who, at that time, seemed to have a career of brilliancy before him unsurpassed, but recklessness and an array of unforeseen circumstances cast him down from the pedestal he ought to have occupied; the juniors for the Crown were —if my memory serves me right—Mr Bodkin and

Mr Huddlestone. Palmer had secured as his leading counsel a famous advocate in the person of the late Mr Serjeant Shee, whose speech for the defence occupied no less than eight hours, and the learned counsel was so carried away by his feelings that he was called to order by the late Chief Justice when, in the heat of his argument, he assured the jury on his own word of honour that his client was innocent of the murder. Amongst the leading experts for the Crown were Dr Rees, Dr Letheby and Dr Alfred Swayne Taylor, author of the well-known standard work on medical jurisprudence. I remember very well sitting with him alone on the Bench of the New Court at the bewitching midnight hour when the jury had been deliberating for three hours in a case of murder. Dr Taylor had been a witness and subjected to severe cross-examination, and confided to me that he wished he had never written his book. "Because," he added, "they make me say something in the witness-box and then put in that confounded book to contradict me."

The strongest witness for the prisoner was Dr Benjamin Ward Richardson (who was afterwards knighted); he was a dear old friend of mine, a

native of my own village of Somerby in Leicestershire, and who received his early education at my old home at Burrough-on-the-Hill from the Rev. J. Y. Nutt, father of Mr Alfred Nutt, the architect to the King at Windsor Castle. Dr Richardson was a strict temperance man and received a bequest from Sir Charles Trevelyan of a large cellar of wine which was to be used for scientific purposes. I begged in vain for him to give me a bottle of "Tokay," but the doctor told me that he meant to carry out the terms of the bequest by trying to find out what caused the aroma in the wine, and that as soon as he found it out he meant to throw away the contents of the cellar. Dr Richardson suggested a very clever but somewhat untenable idea that *angina pectoris* might have been the cause of Cook's death. He quoted a similar case, but on cross-examination was bound to confess that although the symptoms were similar in both cases he had not analysed for strychnine when making the post-mortem on the death of the patient where the latter had died from *angina pectoris*. There was a conflict of evidence as to whether death was caused by strychnine or not, the issue to the jury being, "Death by strychnine

or not guilty," and I have often doubted very much whether Palmer ought ever to have been legally convicted, inasmuch as there was a conflict of medical evidence as to whether the amount of strychnine found in the body was sufficient to cause Cook's death. It was probably due to Sir Alexander Cockburn's reply on the part of the Crown that Palmer owed his conviction, and that great judge is reported to have said that the best compliment ever paid to him in his life was that given to him by Palmer in the dock, when the jury had returned a verdict of "Guilty." The convicted man threw over a strip of paper to his solicitor, Mr Smith, in the well of the court, with these words on it, "It is not the horse, but the riding that did it," alluding in sporting language to the effective manner in which Sir Alexander Cockburn had conducted the case for the prosecution.

It may be interesting to interpolate here a brief history of Palmer's remarkable career which culminated in the murder of John Parsons Cook. The latter was the owner of a racehorse, "Polestar," whose wonderful series of victories on the turf in 1855 attracted particularly the notice of William

Palmer, who took the earliest opportunity of making the acquaintance of Cook. The two soon became closely intimate, visiting race meetings together all over the country. Palmer, then about thirty years of age, was a medical man who had been in practice at the little town of Rugeley in Staffordshire. The turf, however, had more attractions for him than medicine, so he made his practice over to a former assistant and took to horse-racing for a living. He was very soon in dire straits for money, and to get it made his first lapse into crime by forging the name of his mother, who was possessed of considerable property, to an acceptance. In order that this should not be discovered it was necessary that he must needs go further. Palmer did not hesitate but very adroitly covered one forgery with another. There were many promissory notes in his name falling due, and just when he was becoming sorely pressed his wife died very suddenly after being seized with sickness, followed by convulsions. He had insured her life to the extent of £13,000 and this put him right for a time and enabled him to purchase two racehorses; but luck was against him both as an owner and as a backer, and he then resorted

to borrowing money from his friend Cook. Though the latter never knew it, Palmer forged his name to a cheque. Just when there was likely to be trouble about the cheque and other monetary transactions Palmer was once more relieved through the medium of his brother's death, again from sickness and convulsions, and whom he had insured for a large amount. This time the insurance office made considerable demur about paying and hinted at the strangeness of the death, but nothing could be proved, and eventually the money was paid over to him, only to go the way of former sums. After a time certain bill-discounters who held forged acceptances and promissory notes began to threaten action. Palmer was in desperate straits, and, casting about for a way out of his difficulties, saw it once more in his "friend," John Parsons Cook.

The latter's horse—Polestar—was entered for Shrewsbury Races on November 14, 1855, and the two intimates travelled to the town together and put up at the same hotel, where the tragedy began. On the evening of the races they were drinking together and Cook pressed Palmer to have some more brandy. "Not unless you finish your glass,"

was the answer. Cook, seeing he had left a fair quantity, swallowed it at a gulp and directly afterwards complained that it had burnt his throat. That night he was seized with violent sickness and a doctor was called in; the medicine afforded relief and, the vomiting having ceased, Cook was able to accompany Palmer next morning to Rugeley, where he had engaged rooms in an hotel directly opposite Palmer's house. Here he was again seized with violent sickness, which occurred directly after Palmer had been dining with him. The illness became worse, and Palmer, being his close and constant attendant, took advantage of Cook's prostrate condition to pocket the proceeds of the Shrewsbury Race settling. The last act was now at hand; the fraud had to be covered, and from a medical man Palmer procured some strychnine, and the same evening Cook was seized with horrible convulsions and suffered intense pain. Palmer came to his assistance and the attack—as it was evidently intended to do—passed off, but left the victim terribly weak and ill.

Next day Palmer purchased more strychnine from a chemist in Rugeley. Then he called in

two other medical men to see Cook, explaining that the patient had for a long time been sick, and getting them to ascribe the sudden convulsions of the day previous to weakness. They fell in with this view and ordered some tonic pills, which Palmer undertook to see properly administered.

That night two pills were given by Palmer to Cook, who was shortly afterwards seized with agonising convulsions. Palmer was again fetched to his assistance, and at once gave him some more medicine. Cook, however, died twenty minutes later.

The unfortunate young man's relatives were summoned to Rugeley, and to their surprise were told that Palmer held a claim of £4000 against Cook's estate. This aroused strange suspicions and eventually a post-mortem examination of the deceased's body was ordered.

Besides his financial difficulties there were several points of circumstantial evidence all tending to prove his guilt as the poisoner of Cook. The fact of his trying to bribe the coroner by a present of game; his attempt to upset the jar which, carefully sealed down, contained the contents of

Cook's stomach and which were going to be sent up to London for analysis by experts; and his attempt to bribe the post-boy to upset the mail-cart which carried the jar. All these facts formed links in a chain of circumstantial evidence which required a Cæsar in advocacy to resist. Were it not for circumstantial evidence crimes must often go undetected, for a man who intends to commit a great crime takes care that if possible no human eye shall be a witness of his act. Men may lie, and do lie, when they testify to actually witnessing a crime, but a watch, and a blood-stain, and a bullet corresponding to those used by a revolver in the possession of a prisoner all supply evidence clear, distinct and conclusive, and, as in Palmer's case, it becomes a question not of the balance of probabilities but of proof positive—admitting of not the shadow of a doubt.

Whether Palmer poisoned Cook by strychnine or not, Cockburn wove round him a web so complete and perfect that no counsel could extricate the prisoner.

Palmer was evidently no novice in the art of crime; it will be remembered that Lord George Bentinck—a cousin of the present Duke of Portland,

and who used to attend all race meetings—died under suspicious circumstances, and curiously enough was in Palmer's company just before his death. I can distinctly recall the words of the sentence of death. The court at the Old Bailey was packed to overflowing as the jury, after their names had been called out, pronounced their verdict of "Guilty." The three judges having assumed the black cap, Lord Campbell thus addressed the prisoner: "William Palmer, after a long and impartial trial you have been found guilty by a jury of your own countrymen of the crime of wilful murder, and with that verdict I and my learned brothers, who so anxiously have watched this case, entirely concur, and we think the conviction altogether satisfactory. Whether this is the only crime of its kind committed by you is best known to God and your own conscience. I do not wish to harrow your feelings by any reference to it. You have been brought to this court by special Act of Parliament because of the prejudice which existed against you in the county of Stafford, but, for the sake of example, the sentence should be carried out where the crime was committed." The Lord Chief Justice then

pronounced the sentence of death in the usual form, and before leaving the Bench he and the other judges signed the warrant for the removal of the prisoner to the county gaol at Stafford.

The convict, with a strong escort of warders, was that same night removed there by the mail train; and, as a proof of his callousness, it will be remembered that on alighting from the railway carriage at Stafford Palmer remarked, "They seem to have had more rain here than they have had in London!"

The story goes that the inhabitants of Rugeley, finding that their town had achieved an unenviable notoriety through the crime, sought Lord Palmerston's assistance to effect a change of the name. His reply to their petition was prompt and characteristic: "Yes, call it Palmerstown," was his response.

Palmer, just before his execution on May 27, 1856, at Stafford, was asked by the Governor, "Did you poison Cook?" The answer was, "I did not poison by strychnine." The Governor replied, "This is no time for quibbling; did you poison him at all?" Palmer said, "Lord Campbell summed up for death by strychnine. I deny the

justice of the sentence. They are my murderers." I myself have always thought that Palmer poisoned Cook by antimony, and that minute doses of strychnine were given towards the end to complete the work.

CHAPTER X

THE ROAD MURDER MYSTERY

ONE of the strongest judges of a bygone generation, and one of the first I ever saw presiding at the Old Bailey, was the late Mr Justice Willes. Of remarkably striking presence, he fully maintained the dignity of the Bench. Overwork proved too great a strain for him, and his end was a sad one. He was judge at the Salisbury Assizes when Constance Kent (who was defended by Mr Coleridge, afterwards Lord Coleridge) pleaded guilty to the murder of her little step-brother in the village of Road, near Frome, a crime conceived of jealousy and dislike to her stepmother. A great sensation was created both far and wide; suspicion fell on innocent persons, and for a long time the crime remained undiscovered. After the lapse of a few years, however, Miss Kent made a confession to Mr Wagner, the well-known High Church clergyman of Brighton, and by his advice she

surrendered herself to justice, pleaded guilty, and the capital sentence was commuted to one of transportation for life. It was then laid down that a confession to a clergyman or Roman Catholic priest is not sacred in the eyes of the law, and if not divulged by the person to whom it is made he renders himself amenable to the law as an accessory after the fact for the crime.

About eight years ago I went over to Road from Bath on horseback, and to show how soon things are forgotten I inquired of three yokels in the village as to where the father of Miss Kent had resided. No one had ever heard of his name, and it was not until I had interrogated the oldest inhabitant that I ascertained that the large house at the extreme end of the village was the residence of the late Mr Kent. I then saw the dining-room window from which the body of the child had been removed and the place where it was deposited. It shows how quickly things are lost sight of. The garden, the house and the closet (where the body of the boy was found) were at the time of my visit just as when the tragedy occurred.

It is not to be wondered at then if startling events are so soon forgotten that there should have

been a controversy of opinion with regard to the famous Waterloo Ball given by the Duchess of Richmond at Brussels on the eve of the Battle of Waterloo. There was a good deal of difference as to where "the sounds of revelry by night" were heard; Lady de Ros, the eldest daughter of the hostess, and who was nineteen at the time, was not in accord with her younger sister (Lady Sophia Cecil, one of my oldest friends and who witnessed the ball as a young child) as to the exact scene where the ball was given, but then—as Lady Sophia remarked to me—"Georgie (Lady de Ros) was enjoying herself with her partners and I had plenty of opportunities to take in all that was going on."

The inhabitants of the village of Road, Somersetshire, four miles from Trowbridge, awoke on the morning of Saturday, June 30, 1860, to discover that a mysterious tragedy had been perpetrated in their midst. Road Hill House was the residence of a man greatly respected in the neighbourhood, namely, Mr S. S. Kent, who held a lucrative position as inspector of factories in the district. Mr Kent's family consisted of his second wife and seven children, four of whom were by his first

marriage. Of these the two youngest—Constance and William—had just returned from their boarding-school. The children of the second marriage were two little girls and a boy of four—Francis Saville Kent.

It was with the mysterious disappearance of the latter that the sensation commenced. The night before—Friday, June 29—the family had retired to rest, as usual, soon after ten p.m. The little boy and one of his sisters slept in cots in a bedroom with a nursemaid, Elizabeth Gough. The latter, who retired about nine p.m., left the bedroom door open, as usual, for Mrs Kent to come in and kiss the little ones before she went to rest. The room of Mr and Mrs Kent was on the same floor. Constance Kent and her brother William occupied separate rooms on the floor above. At five o'clock next morning Elizabeth Gough got up to dress, and chancing to look at the little boy's cot she saw that it was empty. The impression of the child's body remained on the bed and pillow, but the under blanket was gone, and the coverlet was carefully folded down. Greatly alarmed, the maid roused Mr and Mrs Kent, and a search was at once made for little Francis. There was

nothing to show in what direction the child had disappeared, and the only thing noticed was that the dining-room door, the window and the shutter—all of which had been carefully fastened the night before—were a little open. Having searched the house without success, Mr Kent, who because of the strict performance of his duties had made enemies amongst the factory hands, came to the conclusion that the boy, his favourite child, had been stolen to spite him. He accordingly put his pony into the trap and drove off to Trowbridge Police Station. Here he informed Superintendent Foley of what had occurred, and that officer at once drove back with him to Road Hill House.

But whilst the father was away an awful discovery had been made. The villagers, roused by the servants, had hurried out to search for the child. Some of them came to the house and went carefully through the grounds, and the attention of one of them was attracted by a tiny bloodstain on the seat of a closet situated some distance away from the house at the end of the stable-yard; he got a light and looked into the vault, where the body of the poor little boy was found in his night-clothes and wrapped in the missing blanket. The

throat of the unfortunate child had been cut to the very spine, while there was a fearful gash in the left side of the body, seemingly inflicted with a sharp-pointed dagger or knife. At once all was commotion, and in the midst of it the distracted father drove up to the gate with Superintendent Foley. The latter at once took charge of the case; his men, hurriedly sent for, made a search all over the house and grounds for the instrument with which the crime had been committed, but their quest proved fruitless. Every inmate of the house was also searched by male or female searchers, but not a spot of blood or the slightest clue tending to incriminate any one of them was found. The table knives were all clean and in their accustomed places.

Mr Kent was a factory inspector at Trowbridge, a town noted for its woollen goods and for its twine manufactory, the chimneys of which are prominent landmarks and familiar to all travellers between Chippenham and Weymouth. The startling tragedy caused a great sensation in the district. Suspicion was rife, and both Mr Kent and the nursemaid were the subject of severe criticism; actions on their part, innocent in themselves, all

seemed to dovetail into theories for the crime, propounded by those who drew false inferences from facts and put a guilty complexion on acts which were consistent with innocence. Rewards were offered both by the Treasury and by Mr Kent for the discovery of the murderer.

When the coroner held the inquest the Town Hall of quaint, old, sleepy Trowbridge was packed, and every thread of evidence was carefully gone into; the act of every occupant of Road Hill House, both before and after the outrage, was subjected to keen scrutiny. The police were nonplussed, no real clue seemed to be forthcoming. The "mystery" seemed likely to remain such, and it appeared as though the time would never come when "A bird of the air shall carry the voice and wings shall tell the whole matter." Yet Fate—the relentless ἄτη of the old Greek tragedians—shadows and tracks those who do wrong, and causes, working slowly and silently in this remarkable case, brought the truth to light, and it was found that not the father or the nurse, but a girl of only sixteen years of age had, under the influence of jealousy, conceived and carried out a crime which made the little village of Road famous for years

to come, with thousands who before had never known of the existence of such a place. An open verdict was returned at the inquest.

Then Scotland Yard took up the case, and the authorities offered a reward of £100 for the discovery of the murderer or murderers. This was immediately supplemented by another £100 offered by Mr Kent himself.

Elizabeth Gough, the nursemaid, naturally came in for a heavy share of suspicion, but though twice taken before the Wilts magistrates for examination, nothing could be found to involve her in any way and she was discharged. Constance Kent, a girl of sixteen, was also arrested and taken into custody by Inspector Whicher of Scotland Yard, but he was not able to make out any case against her and she was discharged.

After this the cruellest rumours got into circulation and it was openly alleged that Mr Kent himself was privy to the crime, even if he himself did not actually commit it. His action in driving over to Trowbridge to the police without first making a personal search was alleged to be due to a desire to get rid of the weapon with which the murder had been committed. An attempt was

subsequently made by means of a memorial, signed by the inhabitants of Trowbridge, Frome and Bath, to get an extraordinary commission appointed for the purpose of re-examining Mr and Mrs Kent, their family and servants. The agitation went on till June 1861, when the Court of Queen's Bench formally refused to issue any writ for a new inquiry or to allow the re-examination of any of the persons aimed at in the memorial.

So the mystery of the Road murder remained unsolved until April 25, 1865. On that date the most intense excitement was aroused in London by a statement in the evening papers that that afternoon Miss Constance Kent had surrendered at Bow Street and confessed to having committed the crime. The information was correct. The guilty young woman had been for two years a " visitor " of St Mary's Hospital, Brighton, where she came under the influence of the Lady Superior and the Rev. A. D. Wagner of St Paul's, Brighton. One day to the latter, whilst in a fit of religious depression, she suddenly confessed the murder and he at once advised her to submit to the authorities. To this she readily consented, and her appearance at Bow Street was the result. Warned by the

presiding magistrate, Sir Thomas Henry, of the serious character of the step she was taking, Constance, who was attired in deep mourning and wore a heavy veil, merely bowed her head, and in a firm voice read out the following confession, which she had written on a slip of paper: "I, Constance Emilie Kent, alone and unaided, on the night of June 29, 1860, murdered at Road Hill House, Wiltshire, one Francis Saville Kent. Before the act was done no one knew of my intention nor afterwards of my guilt. No one assisted me in the crime nor in the evasion of discovery."

She then handed the paper to the chief clerk, my cousin, Mr Burnaby, and that very evening was conveyed to Trowbridge for examination by the Wilts magistrates, who ultimately committed her for trial, the latter taking place at Salisbury on July 21 following. It lasted just over an hour, the judge, Mr Justice Willes, on the prisoner's plea of guilty being recorded, at once assuming the black cap and passing sentence of death.

In consideration of her youth, for she was only twenty-one when tried, the sentence was afterwards commuted to penal servitude for life.

In gaol Constance proved a model prisoner, showing the utmost contrition and remorse for the terrible deed of which she had been guilty. She was released on ticket-of-leave July 18, 1885, having been in prison exactly twenty years.

I remember Chief Baron Pollock predicting at the time of the trial that Constance Kent would be sent to the Colonies and make a good marriage. That prediction was, of course, not realised. I believe she died the very same year that she was liberated.

CHAPTER XI

THE TRIAL OF MULLINS

LORD CHIEF BARON POLLOCK and Mr Baron Martin, son-in-law of the Chief Baron, were both engaged at the Old Bailey in 1860, when George Mullins was put on his trial for the murder of a widow named Emsley.

In 1860 there was no better known personage in the neighbourhood of Stepney than Mrs Emsley. A widow seventy years of age, possessed of much house property, she lived alone at 9 Grove Road. Being miserly and suspicious, she never admitted a stranger to her house, never answered a knock at the door until she had looked from an upstairs window to see who the caller was.

Every Monday she sallied forth to collect her rents, and it was believed that she never returned at night without some £40 or £50 in her possession. The only person she ever employed to assist her in her rent-collecting was Walter Emms. He lived in a cottage in a field called Emsley's brickfield, Stepney, and his ordinary vocation was that of a

cobbler. In his way Emms was as much an object of interest to his neighbours as Mrs Emsley. He was reputed to be fairly well off, thanks to the kindness of his employer. She, by the way, was locally reputed to be fabulously rich, and was often spoken of as "the Bethnal Green Miser."

The only other person Mrs Emsley was known to trust besides Emms was George Mullins. He was a man fifty-eight years of age, who had been in the police force at Stepney, and, while an officer, was a friend of Mr Emsley. Soon after the latter's death, Mullins retired from the police force, and, as he was a capable plasterer and bricklayer, Mrs Emsley employed him to keep in repair the many small houses she owned. Mullins, in consequence, had ready access to the old lady.

On Monday, August 13, 1860, Mrs Emsley went out on her usual rent-collecting round. She came back about five p.m. The old lady chatted and passed the time of day with one or two tradesmen in the neighbourhood as she went by their places of business, the black bag she carried, being, as usual, heavy with coin. At seven o'clock that evening she was seen by two ladies who lived opposite sitting at her window.

Soon after eight o'clock the next morning a boy employed by a draper in the neighbourhood called at Mrs Emsley's house with some goods she had ordered on the way home the night before. He knocked and knocked without receiving any reply, and at last went away. Other persons called on business that day with the same result. Walter Emms followed on two successive mornings, and on Friday went to Mr Rose, a solicitor, who had at times done legal work for Mrs Emsley. Mr Rose took Emms's view that something was wrong, and the two went to the police together.

The party arrived at 9 Grove Road about mid-day, and once again went through the formality of knocking, meeting, as before, with no response. Then they forced the door and entered the silent house. They found nothing until they reached the front room of the second floor. There the poor old lady lay, her head near the doorway, her body partly on the landing so as to prevent the door closing. Her head had been smashed in, evidently by several powerful blows from some heavy instrument. Blood was splashed everywhere. Two pieces of wall paper was clenched in the unfortunate woman's hands, as though she had

been showing them to somebody when she was stricken down.

When the news of the murder became known public excitement became intense, not only in the neighbourhood where Mrs Emsley was such a familiar character, but throughout the Metropolis. Investigation of the case was placed in the hands of Detective-sergeant Tanner, a man who had gained a wonderful reputation as a tracker of criminals, and who, four years later, as Inspector, was to play such a prominent part in the arrest of Müller, the murderer of Mr Briggs. Tanner and other officers went carefully over the house and made inquiries in various directions. Seemingly, however, they gained little or nothing by their efforts, and a few days later the Treasury offered a reward of £100 for the detection of the murderer. The reward was quickly raised to £300, partly at the instance of a niece of Mrs Emsley, who was the murdered woman's only known relative and the inheritor of her property.

Such a reward naturally stimulated the energies of those who were hunting for clues, and, in particular, those of George Mullins. Nobody had more loudly denounced "the cowardly, brutal

crime," as he himself put it, and in visits to various public-houses he announced that he intended to do all he knew as an old policeman to run the murderer down and earn the reward.

Nothing, however, occurred until September 8, twenty-six days after Mrs Emsley had last been seen alive. Then Mullins made a big move. He called on Detective-sergeant Tanner, and said, "The game is in our hands." "What do you mean?" said Tanner. "Well," replied Mullins, "you know, as an old policeman, I have been giving all my time to tracing the murderer of my employer, Mrs Emsley. I had certain suspicions; now I have verified them. I know the man!"

"Who is he?" asked Tanner.

"Why, Walter Emms!" was the reply. Then Mullins went on to tell how that very morning he had been watching Emms's cottage at Emsley's brickfield, Stepney. He saw, he said, Emms, between eight and nine o'clock, leave his house, go to a rubbish heap in the brickfield and take therefrom a large parcel. Then he returned to his cottage, and ten minutes later came out again with a smaller parcel, which he placed in a disused shed a little way from his dwelling. On the big parcel

Mullins said he recognised a cloth which belonged to Mrs Emsley. Sergeant Tanner took down Mullins's statement in writing, and promised to go to Emms's cottage next morning. "Don't go without me," said Mullins. "You may rely on that," said the detective. A time was fixed for the meeting, and, before leaving, Mullins said, "I'll make it all right with you," meaning that Tanner should have a share of the reward.

Next morning Sergeant Tanner, three policemen and Mullins visited Emms. They searched his cottage, but could find nothing implicating him. Then they went to the shed indicated by Mullins. Here, again, nothing was found, until Mullins, who seemed very excited, said, "You haven't half searched. Look behind that d——d slab!" They looked there and found a parcel, of which Emms at once denied all knowledge.

The parcel was wrapped in paper, tied round with an old apron string. Inside it was another parcel tied round with shoemaker's waxed thread. This parcel contained several metal and silver spoons, two reading glasses, and a cheque for £10 drawn in favour of Mrs Emsley by Messrs Pickering & Co., tenants of hers, and paid to her on the

Monday she was last seen alive. Then Mullins turned to Detective-sergeant Tanner and said, "Are you satisfied?" "Quite!" was the laconic reply, followed by the dramatic utterance:—

"I arrest you, George Mullins, on suspicion of having murdered Mrs Emsley." Next moment the handcuffs clicked on the astounded man's wrists.

Emms was also arrested, Tanner reassuring him by the remark that under the circumstances he was bound to detain him. Mullins blustered and protested, but all to no purpose. During the days when no clue seemed forthcoming Tanner had not been idle. He had been gradually, but surely, working up a case against Mullins, and the act of the latter in attempting to implicate Emms finished the detective's work.

Tanner had discovered that on the morning of the Monday on which the murder occurred Emms went to Stratford to collect rents for Mrs Emsley, and did not return till after midnight. On the other hand, George Mullins was at work doing up a house belonging to Mrs Emsley close to Grove Road until six o'clock on Monday evening. When he left his work he carried with him a heavy

Elliott & Fry]

SIR FRANK LOCKWOOD

[*Russell*

MR CECIL CHAPMAN

Elliott & Fry]

SIR GEORGE LEWIS

[*Moyse*

SIR DOUGLAS STRAIGHT

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hammer, which he had used to knock away a ceiling. At eight o'clock on that Monday night a man named Raymond saw Mullins in Grove Road going in the direction of Mrs Emsley's house, and carrying the hammer. Just after five the next morning—Tuesday, August 14—a sailor named Mitchell met Mullins, whom he knew, crossing Stepney Green. They did not speak, but Mitchell noticed that Mullins seemed very excited, and that his pockets were unusually bulky. The fatal hammer was found at Mullins's lodgings. On it Dr Gill, who was called to see the remains of the murdered woman, found bloodstains, and its edge exactly fitted a terrible wound over the left eyebrow and another on the back of the head. He had no hesitation in saying that it was the weapon with which the wounds were inflicted. Moreover, Sergeant Tanner had found in the blood near the murdered woman the partial imprint of a nailed boot. He had the piece of flooring on which it appeared carefully cut out. He also found that Mullins, besides his lodgings in Barnsley Street, Mile End Road, had rooms at 12 Little Orford Street, Chelsea. He left these on August 26, thirteen days after the murder, and before he went

threw a boot into the dusthole, where the police found it. Dr Gill found hair corresponding with that of the murdered woman on it. Also the imprint in the blood corresponded exactly with the nails in the boot, which were set in a curiously irregular pattern.

The trial of Mullins occupied two days, October 25 and 26, 1860, and after half an hour's deliberation the jury returned a verdict of "Guilty" on what the Lord Chief Baron described as "some of the most convincing evidence" ever given in a court of law.

Emms had been liberated long before, his conduct being in every way above suspicion. Mullins, callous to the last, was duly executed at Newgate, November 19, 1860.

All visitors to the Chamber of Horrors at Madame Tussaud's will remember the decrepit figure of a worn old man standing up in a corner of the room, dressed in very tattered and worn garments, with a hat the worse for wear. It may not be generally known that Madame Tussaud was in the habit of purchasing the clothes in which the convicts were dressed on the day of execution, and in many cases a large sum was realised.

CHAPTER XII

THE TRIAL OF MULLER

I HAVE a clear recollection of the trial of Müller, a German, who, in 1864, was tried before the late Chief Baron Pollock and his son-in-law, Mr Baron Martin, for the murder of Mr Briggs in a railway carriage in North London. Müller escaped to America, but was brought back by Detective Tanner, the principal evidence against him being that Müller was wearing the murdered man's hat at the time of his arrest. The prisoner was defended by Mr Serjeant Parry, one of the most powerful advocates of former years. To show how a drowning man will catch at a straw, it will be remembered that Müller tried to prove an *alibi*, saying that he could not have been in the railway carriage at the time of the committal of the crime because he was driving on an omnibus in London wearing carpet slippers. Mr Serjeant Parry called the 'bus-driver, who declared that on that particular day he did drive a man wearing carpet slippers,

though he was positively unable to identify the prisoner as the man.

The story of Müller begins at a quarter to ten o'clock on the night of Saturday, July 9, 1864. A compartment of a first-class carriage was opened at Hackney Wick Station on arrival from Fenchurch Street, and not only the cushions, but the floor, the sides and the windows were found covered with blood. It was at once evident that a deadly struggle had occurred in it. Beyond the blood-stains a hat, a walking-stick and a small leather bag were the only traces of its former occupants.

Almost at the same moment of the discovery at Hackney Wick an engine-driver observed lying on the six-foot way, opposite the Tower Hamlets parade ground, the body of a man. He was saturated with blood, his head had been battered in, his watch was missing, and the broken link of a watch-chain hung from his buttonhole.

In his pocket were letters addressed to "T. Briggs, Esq., Messrs Robarts, Curtis & Co., Lombard Street." It was soon found that the injured man was the chief cashier of the big banking establishment in question. Removed to a tavern, and thence to his residence, but for one

spasmodic effort at speech, Mr Briggs, who was sixty-nine years of age, remained insensible until he died on the following (Sunday) night.

It was a crime that put the police of London on their mettle. The hat found in the carriage and Mr Briggs's missing gold chain gave them the first clues. The chain had been exchanged two days after the murder—namely, on the Monday following—for another one at the shop of Mr Death, a watchmaker and jeweller, of Cheapside. Mr Death said the man who made the exchange was unknown to him, but he was confident he should recognise him if he saw him again. The same day a tailor named Repsch saw the new chain at his house in the hands of a tailor's cutter named Franz Müller. The latter called there to see a friend named Heffa, a lodger of Repsch's. Müller was noticed to be wearing a new hat with a peculiarly low crown.

Müller pawned the chain and gave his friend Heffa the pawnticket. On the Thursday following Repsch accompanied Müller to London docks, and left him on board the sailing-vessel *Victoria*, which departed for New York on Friday morning, July 15. Clues, all pointing clearly to Müller,

gathered apace. A particularly strong one was afforded by a cabman named Matthews. He identified the hat left in the railway carriage as one he had himself bought for Müller, who was a friend of his. He also mentioned that Müller had called at his house on Monday, July 11, two days after the murder, and produced from a box a gold chain, which he said he had bought that morning. At the same time he gave Matthews's little daughter the box to play with. This box was later identified by Mr Death as the one he gave to Müller when the exchange of chains was made.

Müller, having started for America as stated, doubtless felt himself quite safe. But he had forgotten that a steamer easily beats a sailing ship. His surprise, therefore, may be imagined when, as the *Victoria* entered New York harbour, she was boarded by a party of men, and he not only found himself in the hands of two London police-inspectors, but confronted by Matthews, the cabman, and Mr Death, the jeweller, whom the Government had sent over to identify him. He was wearing the murdered man's watch, and amongst other things found in his possession was the peculiar low-crowned hat. This was after-

wards proved to be the one the unfortunate Mr Briggs was wearing when he was murdered. Müller had cut it off just above the brim and had sewn it down again, shortening the hat by one and a half inches, afterwards replacing the original lining. There was no gainsaying the facts, and the American courts granted the murderer's extradition. As Müller was taken from the Tombs Prison to be carried back to England the warden of the gaol, an expert in criminology, made a significant remark to Inspector Tanner: "Look after that fellow closely. He is a hard case, you may be sure of that. His mouth shows it."

The trial at the Old Bailey created such excitement that crowds collected at four in the morning at the doors. There was much examination and cross-examination over the identity of the two hats, the prosecution insisting that "whoever left the hat in the carriage must have been the murderer." The defence questioned the identity of these, and of the watch and chain found in the prisoner's box, and tried to throw suspicion on Matthews, the cabman.

The jury, however, after only ten minutes' consideration, found the prisoner "Guilty."

Müller, who throughout showed the most callous demeanour, then leaned over from the dock and denounced the evidence as false. On the scaffold, however, just before the bolt was drawn, he confessed his guilt, saying in German, " Ich habe es gethan " (" I did do it "). An immense concourse assembled before Newgate to see the execution on November 14.

The laws of extradition have, I am glad to say, been changed since those days, and Buenos Ayres and the bracing air of the Atlantic at San Sebastian —the lovely spot on the Spanish frontier—are no longer happy hunting-grounds for fugitives from justice who had no desire to listen to the Holborn traffic from within the now demolished walls of Newgate.

CHAPTER XIII

THE "FLOWERY LAND" CASE AND THE "LENNIE" MUTINY CASE

PIECED together from the evidence of the survivor of the tragedy, Mr Taffir, the second mate, the story of the mutiny on board the *Flowery Land* is one of the most horrible on record. It was on July 28, 1863, that the good ship in question left London for Singapore. She was over 900 tons burden, barque-rigged, and carried a special cargo of wine and soft goods. Her captain was John Smith, a skipper of repute in the shipping world as a seaman of unusual resource and ability. The first and second mates were respectively Mr Karswell and Mr Taffir, the latter, as stated above, being spared to tell the tale. Besides these three officers and the captain's brother, who was being carried as a passenger, there were only two other Englishmen on board.

This was the mistake in the "finding" of the *Flowery Land*. Everything about her was as good as it could be except her crew, who were shipped

at lower rates than were usually paid from motives of false economy. Six of the men before the mast were half-bred Spaniards from Manila. Then there were a Greek, a Turk, a Frenchman, a Norwegian, who acted as carpenter, three Chinamen, a Finn, and a full-blooded negro. Well enough Captain Smith might remark to a friend the day before he sailed, "I can trust the ship, but such a 'dago' crew as they have given me will want watching day and night."

He was right in his surmise. The *Flowery Land* had been about three weeks out when the crew began to be saucy. Orders were disobeyed, and it was evident that if navigation was to be properly carried out and discipline maintained, strong measures must be taken. The captain was a fine sailor and a fearless man, his two mates were of the same calibre, and they soon showed the recalcitrants that they meant to be obeyed. Some of the Manila Spaniards and the Turk who were impertinent got a sharp rope's-ending and various other small punishments. This seemed to cow them. The men moved to their work when ordered, albeit in a sullen manner, and all seemed well on the *Flowery Land*. But it was not well

by any means. A deep plot was being hatched, and none of the officers apparently had any suspicion of it. The six Spaniards, the Greek and the Turk, who were all in the port or first mate's watch, were the prime movers. The eight truculent and reckless scoundrels had resolved to murder their officers and to make the *Flowery Land* their own.

It was midnight of September 10, 1863, that the tragedy eventuated. The weather was calm, the ship going easy, and the mate, whose watch it was, was humming a song as he paced the poop. Suddenly one of the Spaniards came aft and, pointing over the side of the vessel, said "Look!" The mate ran to the rail and stooped over. Directly he did so three dark figures stole up behind him, and the next moment he was struck down by a blow from a capstan-bar. He implored mercy, but the wretches only laughed at him and struck at him again and again till his face was battered in. They then threw him, still living, into the sea. Meanwhile the captain, roused by the noise, had rushed from his cabin. He did not get far. Two of the mutineers were waiting for him in the companion-way and stabbed him to death as he

tried to gain the deck. His brother was also stabbed to death and thrown overboard.

The fighting and struggling had aroused Mr Taffir, the second mate, who managed to gain the deck in time to witness the murder of the captain and the captain's brother. Seeing the position he at once returned to his cabin, where, armed with a revolver, he barricaded himself in, resolved to sell his life as dearly as possible. Presently the mutineers came down and parleyed with him. He was the only man left who could navigate the ship, and they offered to spare his life if he would take them to the River Plate. To this he agreed. Then an orgy began. The pirates broached the wine and got raving drunk, and in this condition mutilated one of the Chinamen with their knives in a terrible manner. But they spared the second mate, and managed under his guidance to work the ship for three weeks, during which period only one other vessel was sighted. On October 2 they saw the Brazilian coast ten miles distant, and immediately put the ship about, hanging off and on till nightfall. Then they got out the boats, allowing all the crew to embark except the Chinamen, whom they left to go down with the ship,

which they scuttled. Landing not far from the entrance of the River Plate, Leon, one of the Spaniards, told a plausible tale to the effect that they were the crew of an American vessel from Peru which had foundered at sea. Mr Taffir, the second mate, however, meeting a man who spoke English, told him the facts of the case, and the Brazilian authorities soon had all the ruffians under lock and key. Their surrender to the British Government and their trial at the Old Bailey followed on February 14, 1864. Eight were arraigned at the same time—six Spaniards, Leon, Blanco, Duranno, Santos and Marsolino, the Turk Vartos, and Carlos, the Greek. The latter was acquitted. The other seven were found guilty of murder on the high seas and sentenced to death by Mr Baron Bramwell. Of these Santos and Marsolino were reprieved and sent to penal servitude for life. The remaining five—an abject, miserable crew, cowards of the worst type—were executed in one batch on February 22, 1864. They were placed in separate cells, then pinioned, and sent out one by one to the gallows. As the first to appear would have to wait some time for his fellows the seemingly

bravest was chosen to face this ordeal. This was Duranno, one of the Spaniards. But the sea of faces opposite the gallows, the shouting, howling mob was too much for him, and he so nearly fainted that he had to be accommodated with a chair on the drop. Calcraft, however, carried the execution through without a hitch.

The late Mr Baron Bramwell was an intimate friend of mine. I have dined with him on several occasions and his fund of anecdote was remarkable. When I reminded him that I had first met him at the Old Bailey he remarked, "Oh, that horror of horrors." The last time I saw the Baron, who I believe died at his home at Edenbridge, after having been created a peer, was on the pier at Eastbourne on a Bank Holiday. He was seated at the extreme end and looking out to sea, and when I inquired the reason of his solitude he remarked that he was afraid he might be recognised if he went among the crowd by old and not very desirable acquaintances.

There have been many terrible stories of the sea told at the Old Bailey, but few, if any, have been worse in character or more dramatic in incident than that of the *Lennie*.

The latter, a full-rigged British ship of 950 tons, was, towards the end of October 1875, lying in ballast in the Scheldt. She was bound for New Orleans, and an agent in London was ordered to provide a crew to carry her there. In giving the order the owners, for "reasons of economy," told the agent that, if possible, he was to avoid giving full rates of wages, such as would be demanded by an all-British crew. Her officers were British, and they "would be able to manage dagoes" (foreigners). The officers in question were Captain Stanley Hatfield; Joseph Wortley, first mate; and Richard Macdonald, second mate.

Acting on his orders the agent shipped a very motley crew indeed, namely, thirteen foreigners—Greeks, Turks, Austrians, as seamen; a Dutch boy, and a Belgian steward. The latter, Constant von Heydonck, was a man of wonderful sagacity and resource, with a very fair knowledge of navigation. This crew joined the *Lennie* at Antwerp, and the vessel put to sea. Captain Hatfield, a Liverpool man, was well-known in the Merchant Service as an able officer, and he soon found that his men were very indifferent seamen. This led him to rate them soundly on one or two occasions, but beyond rough

language he treated them well, as did the first and second officers, and they were splendidly fed, but no spirits were allowed.

The tragedy was as sudden as it was terrible. On October 31, 1875, the *Lennie* had been just about a week at sea, and was in the Bay of Biscay. The weather was fine and everything seemed to be going well. The steward, Constant von Heydonck, and the Dutch boy, Henry Trousselot, were below attending to their duties when they were alarmed by a sudden rush of feet and outcries above them. Von Heydonck attempted to get on deck but found the hatchways closed. He remained at the top of the companion-way and listened. Then he heard the captain, in a choking voice, denouncing the crew as foreign "murderers and slaughterers." Then came another rush and a loud groan followed by pistol shots. Then for a time silence.

A little later the hatchways were opened and several of the crew came down to the steward and the boy. These men were Matteo Cargalis, *alias* French Peter; Giovanni Carcaris, *alias* Joe the Cook; Paroscos Leonsis; Pascales Caludes, *alias* Big Harry; and George Kadis, all Greeks; Charles

Renken and George Green, Austrians; and Georgius Angelos, a Turk. They carried long knives, some of which were dripping with blood, and pistols. Making a ring about the steward and the boy they told the former that they had settled the officers and that he, as the only navigator left on board, must take the *Lennie* to Gibraltar, whence they could get to Greece. If he refused they intended to kill him then and there. At the same time some of them suggested that they had better kill the boy, as he would only be in the way. At this the steward told them that if the boy was injured he would not navigate the vessel, even if they killed him for not doing so. After a consultation the mutineers agreed to spare the boy, the steward agreeing to keep him below during the passage. Constant von Heydonck, brave man as he was, had already decided on a plan to outwit the mutineers, and the boy was necessary to it. Seeing the steward seemingly amenable to their wishes, "French Peter" told him to set the course. This Von Heydonck at once did, but not, as they imagined, for Gibraltar, but for Bristol.

A few hours later the murderers became suspicious that the course was not as they wanted

it. So they came and threatened Von Heydonck once more with death, and shut him and the boy up. They were only, however, prisoners two days. At the end of that time the mutineers, finding themselves incompetent to guide the ship, placed it again in the steward's hands. He once more set the course, and this time, to thoroughly deceive them, for the French coast. Then he spoke to "French Peter" and some of the others, telling them that, as things had turned out, he was "in the same boat with them to sink or swim." The boy Trousselot he "considered dangerous if he saw too much," and said he would lock him in the spare cabin. To this they agreed, and the steward, with a blow, pushed the boy in the cabin, and then followed him, as he said, "to give him a lesson." Directly they were alone Von Heydonck said, "Harry, you write French?" "Yes," said the boy. "And English also?" "Yes," was the reply. "Very well," said Von Heydonck, "there are pens, paper and ink here. Write down what has happened—twelve notes in French and twelve in English. Put them as you do them into those empty bottles in the locker, cork them tight, and drop them quietly one by

one out of the cabin porthole into the sea." The steward then left the cabin and locked the door, while the boy faithfully fulfilled his task.

Two days later the vessel was well under the French coast, and the steward, calling the mutineers together, told them he could put them ashore in a place where there was no police. Six of them thereupon said they would go, and taking a boat made off to the spot indicated. The others, however, insisted on being carried to the Mediterranean. "Very well," said the steward. He had seen what they had noticed—namely, the sails of a big ship apparently in pursuit. Three hours later the French warship, *Travailleur*, ranged alongside. Some of the bottles and notes had been found, and the French Government had promptly sent assistance. The mutineers were all arrested, those who had put off in the boat as well as those remaining on the *Lennie*, and were promptly extradited to England. They were brought up at Bow Street before Sir Thomas Henry, and committed for trial on April 7, 1876. The number of prisoners was finally reduced to eight, Petersen, a Dane; Lettes, an Austrian; and Moros, a Greek, who had taken no active part

in the murder of the officers, being admitted as evidence against the others. The trial commenced at the Old Bailey on May 2, 1876, evidence against two other prisoners—Angelos, the Turk, and Renken, the Austrian—also being withdrawn. On May 4 the jury found a verdict of "Guilty" against Cargalis (French Peter), Carcaris, Caludes and Kadis. Leonsis and Green were found "Not guilty." In sentencing the four Greeks to death the judge spoke in high terms of the action of the steward, Von Heydonck, who was afterwards awarded a sum of money.

The four Greeks were executed within the walls of Newgate on May 23, 1876.

CHAPTER XIV

THE PELIZZIONI CASE—A MAN WRONGFULLY CONVICTED OF MURDER. THE NEED FOR A COURT OF CRIMINAL APPEAL

MR BARON MARTIN was rather strong in his opinions. He tried a case which made a great sensation, that of Pelizzioni, an Italian, who was convicted before him of murder in Saffron Hill, the result of a brawl. Mr Baron Martin told the convict that he was as satisfied that the accused had committed the murder as if he had seen him do it with his own eyes. It was afterwards ascertained, through the intervention of Mr Negretti, a fellow-countryman, that the prisoner was innocent, another man having confessed to the crime, for which he received a sentence of five years' penal servitude.

The case of Pelizzioni was, indeed, a curious and complicated one. A few days before December 26, 1864, Richard Shaw, the landlord of the Golden

Anchor, a tavern in Saffron Hill, had a dispute with some of his Italian customers over a drink bill. Several persons took the landlord's part, amongst them being one Michael Harrington, a general dealer, who was a regular customer of the house and a well-known personage at convivial meetings. Prominent amongst the Italians who claimed to have been cheated was a looking-glass silverer named Serafino Pelizzioni. The stalwart young fellow of twenty-six was very hot about what he considered his wrongs, and when Harrington made some disparaging remarks about his nationality he retorted by saying "he could fight six such Englishmen," and that he would "settle with him yet." These words were remembered in connection with what followed.

A few days later—namely, on the evening of December 26, 1864—there was a free-and-easy in the bagatelle-room of the Golden Anchor. Michael Harrington was present, and, as usual, was the heart and soul of the company. He had just finished singing a song, "The Last Good-bye," when a loud altercation was heard outside. The next minute a number of Italians rushed into the room striking out right and left at the inmates.

In the midst of the fracas a loud scream was heard from Harrington, and it was seen that he had been practically ripped open by a knife-thrust, his bowels protruding from the wound. A few minutes later the police arrived, but the unfortunate man was then dead. Of the eight or nine Italians who had entered the bagatelle-room of the Golden Anchor, only one was secured. This was Serafino Pelizzioni, who was duly charged with the murder of Harrington.

The Italian affirmed that he had no knife on the night in question; that he took no part in the row, and had remained in the tap-room of the Golden Anchor when the other Italians entered the bagatelle-room and assaulted the inmates. He was, however, committed for trial on the charge of wilful murder, and at the Old Bailey, on February 3, 1865, six witnesses swore to him as having struck the fatal blow. The defence raised by his counsel, Mr Ribton, was that another Italian, curiously like Pelizzioni in appearance, was the man who killed Harrington. This man had disappeared, and could not be traced. The judge, Mr Baron Martin, pooh-poohed the idea of another man, remarking that he had "never

heard more direct and conclusive evidence" than that against Pelizzioni. The latter was thereupon sentenced to death, the execution being fixed for February 22, 1865.

Never did a case look blacker against a man, yet there were several persons who believed Pelizzioni to be innocent. Amongst these was Mr Negretti, founder of the well-known firm of Negretti & Zambra, Holborn Viaduct. Mr Negretti, moving amongst the Italians in Saffron Hill, heard certain things that caused him to go to Birmingham. There in Edgbaston Street, in a carpenter's shop, he found a cousin of Pelizzioni's named Gregorio Mogni. Mr Negretti charged him point-blank with being the man who killed Michael Harrington, and told him that he ought not to allow his cousin to suffer in his stead. In the end he prevailed on Gregorio to tell the truth, and brought him to London, taking him himself to King's Cross police station on the evening of Wednesday, February 8, 1865. Here Gregorio admitted that he was the only man who used a knife in the row at the Golden Anchor on December 26, 1864, and that he used it against Harrington in self-defence.

The result was a respite, but not a reprieve, for Pelizzioni. The latter still remained a convict under sentence of death. As such, instead of being hanged on February 22 he appeared at Mogni's trial on March 2, 1865, to give evidence. In this connection there was some sensation in court when, on being sworn and placed in the witness-box, he replied, in answer to Serjeant Ballantine, who led for the prosecution, "My Christian name is Serafino. I am now under sentence of death at Newgate."

In the end Mogni was found guilty of the manslaughter of Harrington, and sentenced to five years' penal servitude; but Pelizzioni was not yet out of danger. In the fatal brawl of December 26, 1864, the potman of the Golden Anchor, a man named Rebbeck, had also been stabbed. For this Pelizzioni, who had by this time been reprieved for the Harrington murder, was put on his trial on April 12, 1865. The trial lasted four days, the evidence being most conflicting and complicated. Mogni was brought from gaol as a witness, and admitted that it was he who stabbed the potman as well as Harrington. Pelizzioni was consequently acquitted and liberated on a free pardon. In

English criminal annals the case is unique. It is the only one in which a convict under sentence of death has ever given evidence against another prisoner, and is made the stranger by the fact that the latter after conviction should also be called as witness.

I see by the Speech from the Throne the long-needed reform of a Court of Criminal Appeal is likely to be brought about. A prisoner, before sentence, is asked by the Clerk of Arraigns if he has anything to say why sentence should not be passed. He is not, however, allowed to question the facts, only any error of law which may have taken place during the trial, or any point as regards evidence inadmissible which has been given. In this case the presiding judge has power to reserve the case for the consideration of Crown cases reserved.

Now, however, under a Court of Criminal Appeal—such as exists in France in the Cours de Cassation—facts may be reconsidered, sentences can be revised, and the whole case retried in public, and the Home Office inquiry, which now takes place *in camera*, will be avoided.

Scandals such as occurred in the Pelizzioni case and that of Mr Beck will be avoided, and the same privilege will be accorded to prisoners as clients in *nisi prius* cases have enjoyed for years.

CHAPTER XV

THE TICHBORNE CIVIL CASE, THE ELTHAM MURDER AND THE PIMLICO MURDER

LORD CHIEF JUSTICE BOVILL, father of poor Billy, clerk of Assize on the Western Circuit, presided at the first Tichborne case, May 11, 1871, in which the claimant appeared as the plaintiff. I had often remarked to the judge, who was an old friend of mine, that he looked extremely well, alluding to his florid complexion. "You will say that, my dear fellow, when I am in my coffin, but that horrible claimant will be my death," was his reply. When the claimant elected to be non-suited, or, in other words, gave up his case without a verdict, the result was, that the Lord Chief Justice then and there, by judge's warrant, committed him to take his trial for perjury. Billy Bovill, the judge's son, and his charming wife were great friends of mine. Before he acted as clerk of Assize on the Western Circuit, where his waxed moustache and fierce expression terrified prisoners as he arraigned

them, Billy had been a smart officer in the 15th Hussars.

I heard a good story about him at Exeter when he was on circuit. He had spent a jovial evening with an important member of the municipal council and another friend. The latter next morning made capital out of it. Repairing to Bovill's lodgings before he went into court, he told Billy, who had no recollection of what had occurred the night before, that he had grossly insulted the worthy representative of the municipal body, and that that functionary was going to complain to the judge. Billy was alarmed, but on his promising to stand three dinners at the New London Hotel the mutual friend offered to square the enemy.

He then made off to the house of the municipal official, and said, "You are in a pretty mess. You insulted a judge's son, and clerk of Assize to boot, and Bovill swears he will go to the Mayor. If he does you will lose your appointment. I have got you out of many a scrape, but this is too much." The worthy Exeter citizen's memory was very hazy as to what had occurred the night before. "Will you stand three dinners if I get you out of

the scrape?" asked the joker, and a ready assent was given.

The three met that night at a well-known hotel in the city; six dinners had been ordered and three sat down. However, Billy and the worthy citizen freely forgave the mutual friend who had hoaxed them, and over a magnum of champagne all went merry as a marriage bell.

It was to Newgate Prison that the claimant was removed by my old friend, Inspector Denning, chief of the House of Commons police, after the sentence of fourteen years' penal servitude was passed upon him at the termination of the trial at Bar, on February 28, 1874. The trial was presided over by probably the greatest judge of the last century, Sir Alexander Cockburn, with whom were Mr Justice Mellor and Mr Justice Lush, the sentence being pronounced, according to custom, by the senior puisne judge, Mr Justice Mellor.

The chief warder, whom I knew very well, told me an amusing anecdote in regard to the arrival of the claimant at Newgate. It was necessary that the claimant should be measured for his prison garb covered with the broad arrow, but so vast were his dimensions that it was found im-

possible for one tape to do the necessary work. A prisoner awaiting trial was called in with a second tape, and when the chief warder and the prisoner met with their tapes at the centre button of the claimant's waistcoat the prisoner looked up and exclaimed, "I'm blessed if it ain't Sir Roger after all." The situation was a ludicrous one, and a scene of merriment resulted, in which the claimant himself joined.

Another interesting case that occurred in 1871 was that of Pook, who was charged with the murder of a girl named Jane Maria Clousen at Eltham. The unfortunate young woman, a discharged servant of Pook's father, was found in Kidbrook Lane, just after two a.m., on April 26, 1871. Her head had been smashed in by some heavy instrument, her brains were protruding, and her jaw was broken. She died soon after being found. Pook, who was twenty years of age, was arrested as the supposed purchaser of a hammer that was discovered near the scene of the murder. It was, however, conclusively shown that the hammer had been purchased by a stranger the night prior to the murder. At the trial on July 12 Lord Chief Justice Bovill presided, and I sat next him on the

Bench, Sir John Coleridge leading for the Crown and the prisoner being defended by my friend, Mr Huddleston, who four years later became a judge, and in the same year (1875) the last created Baron of the Court of Exchequer. It was at this trial that counsel for the defence, who had been a schoolmaster before he was called to the Bar, and who successfully obtained an acquittal for Pook, was somewhat severely handled by the Attorney-General. The latter informed the jury that he was too old to go to school again, and if he did he would take care that he did not fall under the cane of his learned friend Mr Huddleston.

A trial which presented some extraordinary features was that of Frederick Treadaway, who was brought before Mr Justice Lush in the old court. The case for the Crown was conducted by Mr (now Sir) Douglas Straight—one of the most skilful advocates who ever appeared at the Old Bailey. It was chiefly due to his able cross-examination of the medical experts, called on behalf of the prisoner, that the defence set up by Mr Besley broke down, and in no instance was the doctrine more clearly established that doctors may differ.

Photo.: Elliott & Fry]

LORD BRAMPTON

Better known as "Mr Justice Hawkins," with his pet terrier

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Treadaway, who was in his twenty-second year at the time of the tragedy, was very respectably connected, his father being a tradesman in the Hornsey Road. He was described as possessing musical accomplishments, being a good pianist and singer. By trade he was a draper's assistant, but did not keep his situations long owing to his hasty temper.

Treadaway was paying his attentions to a Miss Stevens, the niece of Mr William Collins, who lived at 99 Stanley Street, St George's Road, Pimlico. On Friday, December 15, 1876, the young man, who had been out of work for some time and had in vain attempted to get a loan from his father, who told him that if a man did not work he should not eat at his expense, called on Mr and Mrs Collins. He seems to have been well received, and was invited to stay to dinner. After the meal he intimated that he wished to speak to Mr Collins privately about Miss Stevens, who was staying with friends at Paddington. Thereupon Mrs Collins left the room. Very shortly afterwards she heard the sound of a pistol shot, and rushing into the room was at once knocked down by Treadaway. The latter then dragged her to the

area, and there beat her head upon the paving-stones until the blood ran from her nose and mouth.

Leaving the poor woman, as he evidently imagined, dead, though it transpired she was only insensible, Treadaway bolted. Some persons passing, attracted by his sudden appearance from the area of the house in Stanley Street, and seeing Mrs Collins lying there injured, gave chase. Treadaway, however, managed to elude capture for the time being, and attention was then turned to the persons he had attacked. Mr Collins was found to be quite dead, with three bullet wounds in his head. Mrs Collins, however, under medical care, rallied, and was soon able to give some account of what had happened.

Meanwhile an active search was made for the murderer, who was captured at Isleworth at a very late hour on the night of Saturday, December 16, 1876. The trial commenced at the Old Bailey on Wednesday, February 7, 1877, Treadaway being charged with the wilful murder of Mr Collins and the attempted murder of Mrs Collins.

The defence set up by Mr Besley was that the prisoner was suffering from epileptic vertigo, and,

consequently, was unconscious of what he had done. During the progress of the trial, and whilst his *fiancée* was giving evidence, the prisoner had a fit in the dock, and the case was adjourned for the day. Dr Gibson, of Newgate, and Dr Smiles, of Holloway Prison, went to his assistance in the dock, and their evidence differed materially as to the nature of the seizure. Dr Gibson was under the impression that it was of an epileptic character, inasmuch as the prisoner had not been susceptible to snuff which had been placed up his nose, whilst Dr Smiles was of the opinion that it was of an hysterical character. The point at issue was material to the defence.

When the trial was resumed on the following day Mr Justice Lush elicited from the medical witnesses that because a man suffered from epilepsy he was not necessarily insane, although frequent attacks of epilepsy might produce insanity. He made it clear to the jury in his summing-up that the crime could not have been committed under the influence of epileptic vertigo, and commented on the prisoner's statement in regard to the newspaper report which showed that Treadaway knew what he was doing, and was

conscious of what he had done after the event. That would not have been the case had he committed the crime under the influence of epileptic vertigo.

The jury found the prisoner "Guilty," and he was sentenced to death; but the capital punishment was not carried out. I have since learnt from a medical man, who was present at his birth, that Treadaway had been subject to epilepsy all his life, and that several members of his family had also suffered from the disease.

When Mr Justice Lush was made a Privy Councillor it was necessary that he should attend the court with a sword. He had never been a fighting man, and his butler told me that he had the greatest difficulty in preventing his master from getting the sword between his legs, so that he might present a dignified appearance at the Court of St James.

CHAPTER XVI

THE WAINWRIGHT TRIAL

PROBABLY one of the most sensational trials that I ever heard was that of the Wainwrights, over which Sir Alexander Cockburn presided. The case for the Crown was conducted by poor Johnny Holker, Attorney-General, who has since joined the majority, while Thomas Wainwright was defended by Mr Moody and Henry Wainwright by Mr Besley. The facts of the case are very remarkable. Henry Wainwright, a married man, had formed an acquaintance with a girl, by name Harriet Lane. He had a brushmaker's business in the Whitechapel Road, but two establishments proved too great a strain upon his purse, and Harriet Lane becoming importunate, he lured her to his workshop, shot her, and buried her body under the boards of the warehouse behind the shop. The story of discovery and arrest is highly dramatic.

About two o'clock on the afternoon of Saturday, September 11, 1875, a young man, hatless and breathless, attracted considerable attention as he raced through the streets after a four-wheeled cab. The latter stopped for a moment in Greenfield Street and picked up a woman, but before the young man could reach it it started off again. After it went the runner, and only once did he check his speed. This was when he saw two policemen in Leadenhall Street. Pulling up close to them he said, "That four-wheeler—quick—stop it, stop it—parcels—two parcels!" The policemen looked at him, and then laughed derisively.

The young man wasted no further time, but panted after the cab again, following it over London Bridge, and at last came up with it as it stopped near the Hop Exchange in the Borough. Here there were two more policemen. This time he had better luck. In gasping tones, just as a burly, bearded man, smoking a big cigar and carrying a parcel, stepped from the vehicle, the runner said:

"Stop that man with that parcel! See where he goes with it! It's murder, I tell you!—murder."

One of the constables at once followed the man in question while the other watched the cab.

Presently the bearded man, still smoking his cigar, came back to the four-wheeler empty handed; and, without taking any notice of the policemen, lifted out the second parcel and walked off. This time, however, he was stopped. Both constables went up to him, and one said, "What's in that parcel? What have you done with the other one?" Then to his companion, "Go into the Hen and Chickens and see what it is, mate."

"Don't you do anything of the sort," said the man with the parcel. "You let me go. If £50 is any use to you you can have the money at once."

The answer the policeman made to this was to suddenly pull aside the American cloth covering of the parcel. In another instant he had signed to his companion, who seized the burly man from behind, there was a click of handcuffs, and Henry Wainwright was a prisoner. At the same time they took into custody the other occupant of the four-wheeler. This was the woman who had been picked up in Greenfield Street and whose name was Alice Day.

The man who brought about the dramatic

arrest just narrated was Alfred Philip Stokes. That morning he had been asked by Henry Wainwright, for whom he had formerly worked, to come with him to his old premises, 215 Whitechapel Road, to help him with two parcels and some other things. The two parcels, heavy, queer-shaped bundles, lay on the floor of the empty warehouse wrapped in black American cloth and corded across with strong rope. "They're too heavy for one to carry," said Stokes when Wainwright told him to pick them up. "All right," said his employer, "I'll give you a hand with them till we can get a cab." So the two carried them as far as the church in the Whitechapel Road, Wainwright explaining on the way that they were parcels of bristles for brush-making that he had managed to secrete from his creditors. At the church the parcels were deposited on the pavement, Wainwright telling Stokes to mind them while he went to look for a cab. Stokes was curious. The weight of the parcels was altogether inconsistent with the story that they contained bristles. Moreover, there was something about them that made him shudder. They gave off a strong, peculiar, offensive smell. He could not see any signs of Wainwright coming

back, so he resolved to peep into one of them that had the wrapper slightly loose at one end.

He pulled the cloth aside and looked. To his horror he saw a human head covered with light hair, and behind it a human hand and the remains of an arm. Dazed with the discovery Stokes mechanically pulled the cloth over the parcel again, and just as he had done so Wainwright drove up with the four-wheeler. He did not notice that the parcel had been disturbed, and said to Stokes, "Put the things in the cab, quick." In a dazed, mechanical way Stokes did as he was bidden. Directly he had done so Wainwright jumped into the vehicle, saying, "I'll see you at your place to-night. Commercial Road, cabby—sharp!" and the vehicle drove off.

It was not till he saw it moving away that Stokes realised what he had done. The significance of the affair came upon him like a flash, and he started off on the wild chase which had such a dramatic finish near the Hop Exchange in the Borough.

Directly Henry Wainwright was arrested he was taken to the police-station, together with the parcels. These were at once submitted to medical

examination. One contained the trunk of a female body; the other the head and limbs—ten portions in all. It was evident that death had taken place about a year before, decay having been prevented by the action of chloride of lime, with which the remains were covered. The cause of death was abundantly clear. Two bullet wounds were in the brain, and in a hair pad at the back of the head another flattened bullet was found.

The police were evidently in the presence of a great crime, and at once set to work to discover its details. With keys found on Wainwright when searched, and accompanied by Stokes, they went to 215 Whitechapel Road. Here in the great workshop and warehouse, a room 115 feet in length, they soon found further evidence. About twenty feet from the door they noticed that some boards had lately been taken up and put down again. They removed them, and there underneath was an empty grave, the mould of which was thickly strewn with chloride of lime, such as was adhering to the fragments of the body in the parcels. In the grave three buttons were discovered. Other things found were a new spade recently used, a

chopper with some fleshy, evil-smelling matter adhering to it, a pocket-knife open, and with similar sticky fleshy matter on it, a hammer, and an old blue parasol.

The first clue to the victim's identity was furnished four days later, namely, September 15, 1875. Then a man named Taylor came forward and said he believed the remains to be those of his sister-in-law, Harriet Lane, with whom Wainwright had been on terms of close intimacy. She had been missing since September 11, 1874, exactly twelve months to the day on which Henry Wainwright was arrested. Taylor's description was minute, and when he saw the remains he at once identified them. So, too, did Mrs Taylor, the deceased woman's sister, and her father, John Lane. Harriet's connection with Wainwright was well known to her friends, and on the very day she was last seen alive she had informed them that she was going to 215 Whitechapel Road, to live there.

Three weeks later, having heard nothing of her sister, Mrs Taylor called on Wainwright to know "what was the matter with Harriet?" Wainwright told her that she had left him and had gone to Brighton with a man named Freake, who had

come in for a fortune. Two months later she was shown a telegraphic message from Dover, which stated that she (Harriet) was well and was leaving for France, and a day or two afterwards Wainwright read a letter to her purporting to come from Harriet, who said that she was enjoying herself with " a friend in Paris."

With Wainwright's arrest these facts were recalled. The neighbours, too, began to recollect strange circumstances. One came forward to prove that on November 10, 1874, the day before the one on which the murder was committed, Wainwright had purchased a quantity of chloride of lime. Another proved by his books that on the same date the prisoner had bought a spade and an axe from him. Another, a girl named Pinnel, who lived near 215 Whitechapel Road, recollected hearing the shots fired.

Facts were indeed strong against the accused man, and grew still stronger when it was proved that the telegram from Dover and the letter from Paris, purporting to come from Harriet Lane, were both sent by Thomas Wainwright. The latter was promptly arrested as an accessory to the murder after the fact, and, with his brother, was committed

for trial on October 13, 1875. The woman, Alice Day, had been previously discharged, there being nothing whatever to connect her with the crime.

There are a few interesting details which should not be omitted in regard to this sensational case. To account for the disappearance of Harriet Lane letters were received by her family from a Mr Freake saying she had gone away with him and was perfectly happy. These were proved by Mr Chabot, the famous expert, to be in the handwriting of Thomas Wainwright. I had the opportunity of seeing the letters and learnt a lesson in the art of identifying handwriting. It was not so much in the formation of the letters that the similarity in Thomas Wainwright's handwriting with that in the letters was established, but the manner in which one letter was joined to another; the way the letter o was connected to the next one was very peculiar—a line being drawn up from the extreme bottom part of the o to the top of the letter succeeding. There is another circumstance worth noting in regard to this remarkable trial—when Harriet Lane left her home the last time she was seen alive she made a statement as to where she was going. Of course this evidence was not

admissible against the prisoner as he was not present when it was made; only a statement made by a dying person, who is beyond all hope of recovery, is admissible in his absence. The Lord Chief Justice, whilst refusing to admit the evidence, pointed out to the jury that she could not have been going far, for she walked away carrying her nightdress in her bag, therefore she was going to spend the night somewhere, and when she left her home she proceeded in the direction of the house of the prisoner at the Bar. In connection with dying declarations I would refer to a remarkable case, Regina *v.* Butcher. A man was shot through a glass window, the prisoner being outside; before the bullet reached him the flash of the gun revealed to him the face of his assailant and he cried out as he was meeting his fate, "There's Butcher." This was admitted as evidence by the judge who tried the case—not as a dying declaration but as part of the *res gestæ*, or part of the act of the crime.

The trial of Henry and Thomas Wainwright, which lasted nine days, commenced at the Old Bailey on November 22, and ended December 1, 1875. Lord Chief Justice Cockburn made a point

of specially going down to the court to try the case. After Sir John Holker had completed the case for the Crown, Mr Besley proceeded to open the defence. Lord Chief Justice Cockburn asked him whether he would prefer that he should interrupt him in the course of his speech with any points of difficulty which suggested themselves to his mind, so that the counsel for the prisoner might clear them up as he went along. Mr Besley, having expressed his assent, did not get very far with his address when he invited the jury to come to the conclusion that it was a case of suicide. I shall never forget his look of horror when Lord Chief Justice Cockburn, with that quiet manner which was peculiar to him, leaning over towards counsel, remarked in an undertone, "and buried herself."

During the course of the trial I noted that the Lord Chief Justice was recording on sheets of foolscap notes from his book to form the basis of his summing-up to the jury, and I had the curiosity, on passing his chair during one of the adjournments for luncheon, to look over the first sheet of foolscap notes which he had made, and I read as follows, a marginal line being drawn down, and the facts of the case being treated in sequence:—

"Henry Wainwright found in possession of a body." . . . "*Dead body.*" "Dead body *mutilated.*" "*Dead body recently disinterred*"; and then the further suggestive remark which he repeated to the jury, "Man found in possession of stolen property shortly after it is stolen presumed to be the thief. Man found in the possession of a body evidently murdered presumed to be the murderer, unless he can give a reasonable account of how he became possessed of it."

Both prisoners were convicted—Henry Wainwright of murder, and Thomas Wainwright of being an accessory after the fact, the latter receiving a sentence of seven years' penal servitude.

As the two prisoners were in the dock awaiting the verdict of the jury Henry Wainwright said to Thomas—and the conversation was repeated to me afterwards by the chief warder—"They will convict me, Tom, and they will let you off. I shall say that you did it." Thomas replied, "You are the biggest murderer unhung, but that will not be very long, for you will be hung."

On their return to the gaol—and this I am able to vouch for on the information of the governor—Thomas Wainwright sent for Mr Sydney Smith,

who then controlled Newgate, and asked him to obtain from his brother information as to the exact hour when the murder was committed. This was done. "Now," said Thomas, "go to my employer and get the work book, and you will find that on that day and at that time I was engaged nine miles away from the premises where the crime was committed."

Throughout the trial Henry Wainwright maintained the utmost composure. For years he had posed as a prominent member of the Christ Church Institute in the East End, and had made himself popular by helping at religious meetings, and by giving recitations and amateur dramatic performances in aid of various charities. Yet it was shown that these things were merely the cover to a career of unbounded immorality and profligacy.

Henry was nonchalant to the last, though just before his execution, on December 21, 1875, he confessed that his fate was deserved, though he declared he was not wholly guilty of the deed for which he suffered. On the eve of his execution at his special request he was allowed a cigar. This he smoked in the prison yard, walking up and down with Mr Sydney Smith, the governor, boasting to

the latter in the most cynical way " that no woman could resist him."

Though Wainwright's execution was supposed to be private, over sixty persons were admitted by the sheriffs to witness it. Major Griffiths, who was officially present, says: " He came gaily out of his cell, nodded pleasantly to the governor, who stood just opposite, and then walked briskly to the execution shed, smiling as he went along. There was a smile on his face when it was last seen, and just as the terrible white cap was drawn over it."

CHAPTER XVII

THE YEOVIL MURDER AND THE NETHERBY HALL MURDER

ONE of the most remarkable cases that Cockburn ever tried took place at Taunton on the Spring Assize of 1877. The Chief Justice went the Western Circuit especially to try the case, and never were the judge's clear grasp of the facts of the case and marvellous ability to place them before the jury more clearly displayed. A policeman, named Nathaniel Cox, was alleged to have been kicked to death by four poachers in a narrow lane leading down to a railway arch crossed by the London and South-Western Railway at Sutton Bingham, off the high road from Yeovil to Crewkerne. The four prisoners charged with murder were Geo. Hutchings, the father, Giles and Peter, his sons, and Chas. Baker, who all resided at East Coker, a small village in Somersetshire. On the night before the Yeovil fair these four men drove in a cart along this road, and on turning off the

main road and down over a very steep hill and through the lane (the old man driving the cart), passed the policeman Cox, and wished him good-night. Their story was that they intended to drive that night to Dorchester, some miles distant, to bring back a horse to sell at the fair. The theory of the Crown was that they intended to drive to Melbury Park, the residence of the Earl of Ilchester, for the purpose of taking deer or game; in any case, they did not continue their drive long, for it came on to rain, and the same cart with the four prisoners made its way up the lane, where they were met by Cox and Police-constable Stacey, who attempted to stop the cart. A free fight and scuffle ensued, the policeman's staff was broken, and Cox met his death by kicks and blows. Stacey appears to have made away, and the prisoners managed to evade justice some time, and were afterwards discovered in a hay-loft belonging to a farmer named Richards, arrested and charged with murder, the Richards' being indicted as accessories after the fact for harbouring them.

The case caused the greatest excitement, and Cockburn, knowing the case was a sensational one, spared no pains to give proof of his marvellous skill

and ability. Amongst the witnesses called for the Crown was a rubicund and well-nurtured gentleman who, I believe, received a good salary as analyst for the County of Somerset. "What is this gentleman going to prove?" asked Cockburn. "He is going to give, my lord, evidence as to a hair found on the toe of the boot of the prisoner Baker," replied counsel. "Surely," said the judge, "the witness is not going to identify this single hair as one of the hairs belonging to the head of the murdered man. I can scarcely make it out with a microscope, much less with the naked eye. I refuse to admit this evidence; it would be unsafe. Unless this gentleman has examined the hair of every animal God has made, I fail to see how his testimony can be valuable." Cockburn's summing-up in this case was masterly, and my memory recalls it as if I heard it yesterday. Turning to the jury he began, "Picture to yourselves, gentlemen, a dreary November night, the eve of the Yeovil fair, and see the four prisoners driving along in a cart, and turning down the lane which leads to the railway arch, wishing the policeman Cox, at the top of the hill, 'Good-night.' Whether intending to proceed to Dorchester or Melbury it

will be for you to decide. In a short time they return; it is very dark, and as it would seem to me, with one man driving, and that man the elder prisoner, and the others probably walking up the hill to ease the horse, they are confronted by Cox and Stacey, who stop the cart." The learned judge was here very emphatic in laying down the law. Every law-abiding citizen has a right to use the Queen's highway unmolested, and that the police in this case had no right to stop the cart without reasonable ground of suspicion, and that the person stopped had a right to use reasonable violence to proceed.

Cockburn made it very clear that in this case the police were the aggressors, and that a verdict of murder would be unsafe, and that the crime, if proved, would be one of manslaughter. He narrated in graphic style the particulars of the fray and *mêlée*, and pointed out that the fight must have taken place behind the cart, the body of the policeman being stretched across the lane, and that probably the elder Hutchings, who had driven on, was no party to the outrage. The jury retired to consider their verdict, and the judge requested his clerk, who was sitting next to me,

to write out the sentence of death in the plural number should he be called upon to pass it. The jury returned in about an hour, and amid breathless silence, to a crowded court. The clerk had his hand on the clasp of a little bag underneath his seat containing the black cap, but a verdict of manslaughter against all four prisoners called for a different sentence. "Now," said Cockburn's marshal, his half-brother, to me, "you will hear something very fine. He was sitting up last night at the 'Lodgings' preparing his sentence." "Prisoners at the bar," he commenced, "for those who take man's life with *malice prepense* for them the punishment is death. Then there is manslaughter, so closely on the borderland of murder that penal servitude for life must follow. I am not going to pass on you that sentence, but one of weary, weary years of servitude, and I can only hope that during your captivity you will repent of your great sin. The sentence on each and all of you is that you be kept in penal servitude for the term of twenty-four years." Baker asked permission to speak, and informed the judge that the old man had had nothing to do with the affray, but had driven the cart on, and did not know what

had taken place until himself and the two sons had rejoined him. "I will communicate with the Home Secretary," said the judge, "and probably the old man will be spared the punishment which awaits you."

A free pardon was granted Geo. Hutchings, and, by a curious irony of fate, the elder prisoner, who died shortly after his release, lies side by side in East Coker churchyard with the policeman Cox. The sequel of the story is strange. I saw all three convicts during the time of their imprisonment at Pentonville, Dartmoor and Portland. On my ride from Land's End to John o' Groats I visited Mrs Baker. Giles Hutchings escaped from Chatham, swam the Medway, made his way back to his old home over the hills above Sherborne, hid in a wood, managed to elude the Dorset police, who were on the alert for him, finally made his way to Southampton, crossed to the Isle of Wight, worked on a farm at Niton in the undercliff, was recognised by a butcher who had known him and who rounded on him. He was re-arrested and completed his years of servitude at Portland, where I saw him in the chain room, a place where the irons and handcuffs are kept. He was then

wearing the parti-coloured leg of the knickers of a prisoner who had attempted to escape, and was finally liberated on December 31, 1897. I saw him again in his old home a few days after he had regained his freedom, and he gave me a graphic account of his escape from Chatham, and how he managed to evade capture. When last I heard of him he had gone back to the farm at Niton, and was doing well. It is close on thirty years since the famous trial at Taunton. The Chief Justice's son, dear old Billy Bovill, clerk of Assize on the Western Circuit, M'Calmont, the well-known barrister, who gave evidence in the "Bravo mystery," and who was at Taunton during the trial, most of the counsel and witnesses have crossed the Bar; whilst, as far as I know, Chas. Baker, Peter Hutchings and Giles Hutchings have survived their captivity and the sentence passed upon them in the old county hall at Taunton.

A personal friend of my own, who only occasionally presided at the Old Bailey, was Mr Justice Day. He was one of the few judges who, except in capital cases, where he was bound in event of conviction to send his notes to the Home Secretary, did not take down the evidence in

writing, contenting himself by noting any discrepancy in the evidence of a witness at the trial with that on the depositions as given before the magistrates. Mr Justice Day had the reputation of being a severe judge, but a more kind-hearted man never lived, nor a stronger judge. By his retirement the Bench suffered a great loss. Although he was a believer in the "cat," there can be no doubt he was right in his attempt to put down crimes of cruelty and outrage committed by hardened ruffians. He presided at the celebrated Netherby Hall murder case at Carlisle, and, being a Roman Catholic, visited the prisoners in their cell after their conviction.

In the annals of burglary few crimes have been more daring or more sensational than the Netherby Hall one. The place was the Cumberland seat of Sir Frederick Graham, near Carlisle, the time was October 28, 1885.

The robbery took place while the family were at dinner. A ladder was placed against the window of Lady Hermione Graham's bedroom and the thieves made an easy entrance. One of the maids, having occasion to go to the bedroom, found the door locked. Then it was found that some

£400 worth of Lady Hermione's jewellery was missing. Thus far it was a very ordinary robbery; the sensational element was in what speedily followed.

As soon as the burglary was discovered mounted grooms were sent in headlong haste to the county police, and the latter speedily raised the hue-and-cry for the thieves. Sir Frederick Graham was a magnate of unusual importance in the district, and the police acted with unusual energy. Within an hour from receiving the alarm constables were watching the roads and bye-paths for miles round. The first glimpse of the burglars was obtained by two officers near the little village of Kingstown. They challenged four men coming from the direction of Netherby. The answer was two revolver shots. Then the strangers bolted, the police, undismayed by the firearms, after them. Again the men turned, three of them this time firing together, and the officers were wounded, one in the shoulder, the other in the thigh. More or less crippled, they still pluckily kept up the chase. But now the pursued were too fleet for them, and getting down an embankment on to the railway line soon disappeared in the direction of Carlisle.

About one o'clock the next morning a policeman caught sight of the burglars making for the Carlisle goods yard. Without a word all four men turned upon him, and speedily beat him insensible with bludgeons and their pistol butts. Then they left the railway line for the road, and made off towards Plumpton, a village near Penrith. Here it was that robbery and assault deepened into tragedy.

The Plumpton constable was a very smart officer named Byrnes. The news of the robbery had been received by him, and he was on the watch, standing under a hedge on the highway. Seeing four men approaching he called on them to stop. The only answer he received was a revolver shot which stretched him dead in the road. After this one of the burglars seems to have separated from his companions, for three only took part in the next scene in the drama.

This occurred at Penrith station, where Christopher Gaddes, the guard of a goods train, just as it was moving off, saw three men climb into an empty waggon and conceal themselves under a tarpaulin. Gaddes had heard of the burglary and the wounding and murder of the

policeman that had followed it, for by this time the whole country was roused. He guessed the men were those wanted, but he could not tackle such desperate ruffians single-handed. Moreover, he saw that if he stopped the train to get the help of the driver and fireman and the nearest signalman, the men would take the alarm and escape again.

So Gaddes, who proved himself possessed of wonderful presence of mind and resource, let the train proceed as though he had noticed nothing unusual. In his van, however, by the light of his lantern, he was hastily scribbling three or four notes on blank way-bills, telling briefly in each what had occurred. The first stopping-place of the goods train was Tebay. Near Shap Gaddes threw out his first note, hoping the pointsman would find it. That missive, however, failed. The next had better luck. It was caught by the driver of a passing engine, who, having read it, pulled up at the Shap signal-box and telegraphed through to Tebay to have the police ready to meet the goods train there.

By some mischance the telegram was delayed; no police were waiting when the train got in.

Gaddes, however, was equal to the occasion. He whispered a few words to a platelayer who was near his van as the train stopped. In a few minutes a body of railway servants, platelayers, signalmen, etc., headed by the guard, made a rush on the tarpaulin-covered van. For a few seconds there was a desperate fight. The robbers tried to use their revolvers, but had been taken too much by surprise to do so effectually. Two were quickly caught and bound to telegraph posts. The third, however, for a time managed to escape. In the confusion he had run up the line and concealed himself in another truck. The goods train, after the capture of the two men, moved on to Lancaster. There the driver saw a man drop from a truck and make for the night express, which was standing in the station. He quietly passed the word along, and the man was arrested just as he had entered an empty compartment.

The three men gave the names of Rudge, Martin and Baker, and were speedily proved to be professional burglars of the most desperate kind, who had for some time been breaking into various places in Cumberland. All were well known to

the London police. Martin was already wanted for the murder of Police-inspector Symmonds near Romford, whom he had shot when an attempt was made to arrest him for a burglary. Rudge was identified as a notorious dog thief, who had done many terms of imprisonment and who was wanted for robbery and assault committed at Brixton. Baker was a known companion of thieves, and, under cover of keeping a greengrocer's shop in Bethnal Green, was a receiver of stolen goods.

The fourth man, William Baker, no relation of the other Baker, was soon after arrested at Manchester on suspicion. Taken to Carlisle, he was identified by one of the constables who had been wounded, and also by several persons who had seen him in the neighbourhood of Netherby on the day preceding the burglary. He had undergone several sentences of imprisonment, notably one for being concerned in the theft of the Duchess of Montrose's jewel case at Newcastle some three years before.

None of the stolen jewellery was found on the prisoners, but a few days later Rudge's tobacco-pouch was found in some grass near Tebay station,

and in it were all the jewels, with the exception of a diamond star. This was picked up afterwards under a railway arch, where Rudge doubtless threw it after the struggle at Tebay.

The evidence against the prisoners was of the most complete character. At Carlisle, in the cloak-room, they had left bags which when opened were found to contain complete sets of burglars' tools. In each, too, were spare cartridges, which fitted their revolvers. The bullets extracted from the body of the murdered constable Byrnes and from the other wounded officers were such as would be fired from the revolvers found.

After a trial lasting three days (January 18-20, 1886) Rudge, Martin and James Baker were found guilty and sentenced to death. William Baker was sent to a term of penal servitude.

The death sentence was duly carried out in Carlisle gaol, the execution being notable from the fact that Berry, the hangman, had a baronet as his assistant. This was the well-known sportsman, Sir Claude de Crespigny. It is understood that while Berry pinioned Rudge and Martin, Sir

Claude, who assumed the name of Malden, did the same for James Baker, and adjusted the noose on the scaffold, so that he might be able to say he had carried out the hangman's office in its entirety.

CHAPTER XVIII

THE PENGE MYSTERY

I REMEMBER very well attending the Old Bailey during the famous Penge mystery trial, one of the first murder cases over which Mr Justice Hawkins was called upon to preside. The circumstances of the case were peculiar and are well worth recording. The trial aroused the greatest interest, and during the hearing, which occupied several days, the street outside the Sessions House was thronged by crowds of people eager to obtain admission, whilst the "old court" (itself so shortly to be demolished) was crowded each day by celebrities from all professions. The excitement reached its culminating point on the last day of the trial, when, shortly before midnight, after an exhaustive summing-up of eleven hours, the jury found a verdict of "Guilty" against all four prisoners.

Fortune-hunting has more than once gone hand-in-hand with crime, but never in a more

deliberately cruel fashion than in the Penge case. It was in the early part of 1874 that the victim first met the man who was to bring her to such a terrible end. Harriet Richardson was in her thirty-first year when she was paying a visit to some cousins at Walworth. By her relatives she was introduced to a young auctioneer named Louis Staunton. He apparently did not think much of Harriet Richardson when he was first introduced to her, though she was not without personal attractions, and was always well, if not fastidiously, dressed. But his manner at once changed when he was informed that she possessed in her own right a fortune of some £4000. From that moment Louis Staunton professed violent love for Harriet Richardson, and in less than three months after making his acquaintance she had agreed to marry him. The news of the forthcoming match brought Harriet's mother, who had taken a second husband, and was now Mrs Butterfield, on the scene to oppose it. She said that Harriet was mentally weak and unfit for marriage, and as a last hope to prevent the union Mrs Butterfield went to the Court of Chancery, pleading that her daughter might be placed under control as a lunatic. But the court

would not interfere, and in the summer of 1875 the marriage took place. Harriet at once passed completely into the hands of her husband, and so did her ready money. This was some £1500 which she had in a bank. The rest of her fortune consisted of a reversionary interest in £2400, which, by the way, her husband was never able to secure. At first Louis Staunton and his wife lived in Brixton near Patrick Staunton, his brother, who was an artist by profession. Some three months after his brother's marriage Patrick Staunton and his wife removed to Cudham, near Sevenoaks. This change of domicile seems to have been the first move in a diabolical family plot, for Patrick Staunton had particularly chosen the house at Cudham because it was some distance from any other dwellings.

Directly Patrick Staunton was settled at Cudham, Louis Staunton and his wife removed to Gipsy Hill, Norwood. Here a boy was born to Harriet Staunton, and here another personage in the drama appeared on the scene. This was Alice Rhodes, sister to Patrick Staunton's wife Eliza.

Alice Rhodes soon became mistress in Louis Staunton's house, the wife being ignored, and it is

alleged, though this was never proved, even then violently ill-treated. In any case, some months after Alice Rhodes's arrival the baby was taken to Patrick Staunton's at Cudham, and a little later Harriet Staunton followed, and became a boarder there, her husband paying a pound a week for her keep.

His wife and baby had not been long in Patrick Staunton's keeping when Louis made another move. This time he went to Little Grey's Farm, another isolated dwelling between Cudham and Sevenoaks, and here he openly installed Alice Rhodes as his wife. The true wife was now practically a prisoner. Few, if any, persons in the neighbourhood knew of her existence. The last time she would seem to have had her liberty was when she went on a journey to London, where she saw her lawyer, and instructed him to sell her reversion and to put the money out of the reach of Louis, her husband.

From that time forth she was treated with the greatest harshness and brutality. Twice Patrick was seen to drive her indoors with blows, and was heard to order her to her room. Patrick Staunton and his wife never went out without leaving somebody to see that Harriet Staunton did not

leave the house. This watcher was Clara Brown, a relative, who acted as maid-of-all-work to the Stauntons, and whose unwilling evidence was one of the prime causes of their conviction. The wretched woman was by this time—September 1876—in a terrible state. Moreover, what solace she might have found in her baby was now taken from her. The infant had been neglected and ill-treated equally with herself, and one day it disappeared. On that day it was taken by Patrick and Eliza Staunton to Guy's Hospital in a dying condition. They told the authorities there that it was the motherless infant of a workman of theirs named Harris, and when it died the unnatural father arranged for the funeral and buried it in that name.

After the death of the baby the confinement of Harriet Staunton was more rigorous than ever. She was kept entirely to her room. This was an apartment absolutely bare of all furniture except two builders' trestles on which were laid planks to form a rough bedstead. There was no mattress on the planks, only a couple of dirty rugs which were never changed. The unfortunate woman was not allowed to wash. Her food was bread, cold potatoes, and the scrapings of the plates

Photo.: Maull & Fox]

THE TICHBORNE CLAIMANT (ARTHUR ORTON)

HIS COUNSEL: DR KENEALY

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after the Stauntons had dined, and cold water. Sometimes she got this wretched meal only once a day. Sometimes it was "forgotten" altogether. The months between December 1876 and April 1877 were bitterly cold, but she was never allowed a fire, and her treatment became worse as time went on.

Things were, however, now coming to a crisis with the Stauntons. Mrs Butterfield, who had at first considered her daughter's long silence due to anger at her interference with her marriage, heard of Louis Staunton's intrigue with Alice Rhodes. She at once wrote and taxed him with it, demanding to know what he had done with her daughter. Staunton's reply was a threat of action for libel. She wrote again and again, receiving only abusive and threatening answers. Then one day occurred a dramatic incident. Mrs Butterfield was crossing London Bridge, when she came face to face with Alice Rhodes. The latter was wearing a favourite brooch belonging to Harriet Staunton. Mrs Butterfield at once taxed her with the fact, and asked how she became possessed of it. Alice Rhodes, however, evaded her, and made off without any reply.

Much alarmed now, and sure that something was very wrong, Mrs Butterfield went to Cudham and to Grey's Farm. There was no satisfaction for her, so Mrs Butterfield went to the magistrate at Marlborough Street police court and told her tale, which so impressed him that he set the police to work. They soon discovered various ugly facts, the first being the story of the baby and its death at Guy's Hospital in the name of Harris. Then they learned that, alarmed by Mrs Butterfield's persistency and the failing strength of their victim, the Stauntons had removed the latter to a lodging at Penge. This last resting-place was reached on April 11, 1877, Mrs Staunton being unconscious when she was carried from the train to the vehicle which took her to the lodgings secured. Louis Staunton told those who saw her, and a doctor who was fetched, that she was his mother, and had had a paralytic stroke. The doctor pronounced her case hopeless, and on April 13, two days after her arrival in Penge, death put an end to Harriet Staunton's sufferings. In accordance with the story told him the medical man at first gave a certificate of death from paralysis. Mrs Butterfield protested and demanded a post-mortem. The

certificate was accordingly withdrawn, and at the autopsy the doctors employed by the Crown had no difficulty in arriving at the conclusion that Harriet Staunton had been deliberately starved to death. All the organs of the body were healthy, yet the deceased weighed not quite five stone, though her normal weight was nine stone.

The Stauntons—Louis, Patrick and Eliza—and Alice Rhodes were promptly arrested, and were committed for trial for wilful murder. The trial commenced at the Old Bailey on September 19, 1877, and lasted seven days, the prisoners being all found guilty on September 26, and sentenced to death.

Mr Justice Hawkins pointed out to the jury that persons who were bound by law or contract to provide maintenance for another were guilty of murder if they failed, with a malicious intent, to fulfil their obligations, and that Alice Rhodes, if she was an accessory to the conduct of the other three prisoners, would be equally guilty. His lordship, however, refused to allow medical experts to be called for the defence to state their opinions as to the cause of death, based upon the symptoms they had *heard* described to the jury,

to set against the evidence of the doctor called for the Crown, and who had *seen* the deceased before her death. This was probably an error of judgment, and Lord Bramwell, who was consulted by the Home Secretary after the trial, himself told me that in cases of murder no evidence tendered for the accused which, though not technically admissible, might benefit the prisoners, should be refused.

It was eventually announced, on October 30, 1877, that the Queen, upon the recommendation of Sir Wm. Jenner, after a consultation with Lord Justices Bramwell, Brett and Lush, and with the concurrence of Mr Justice Hawkins, had commuted the sentences, in the case of three of the prisoners, to that of imprisonment for life, while a free pardon was granted to Alice Rhodes.

It was Dr Jenner who attended the Prince Consort in his last illness in the fateful December of 1861. He was an old friend of mine. It was he who first informed our adored Queen as to the serious condition of the Prince. On the 13th December—the day before he died—his devoted wife, wearied out with watching, asked the great physician if she might take a walk in the

grounds at Windsor. "Yes, your Majesty," was the reply, "but you must not go beyond the terrace," and then the Queen realised that a life so precious to her and the country was fast ebbing away and that the hand of Life's timepiece was pointing to the hour.

Mr Justice Hawkins was a very strong judge, most lenient in all cases where unfortunate women were concerned, but there can be no question that in this instance he allowed himself to be carried away by a conviction of guilt. Sir Edward Clarke, in his masterly defence of Mrs Patrick Staunton, made his mark, and entered upon the threshold of his successful career at the Bar.

Sir Edward Clarke was a first-rate platform orator, and on the last occasion when I heard him he was supporting the candidature of my friend, Admiral Field of Eastbourne. It was in 1895, and the Liberal prospects seemed gloomy in the extreme. During the meeting a wag called out, "How about Sir William Harcourt?"—who had been compelled to abandon Derby by force of circumstances. Sir Edward was equal to the occasion and replying to the gentleman, "You are unkind," added that the last time he had heard

of Sir William the latter had been addressing a meeting of his followers in a barn in Wales and they were singing, "Lead, kindly light, amid the encircling gloom." Sir Edward's illness will be deplored by all who knew him, for no one ever deserved the highest honour that the profession of the Law offers than he—but, like Sir John Karslake, his health broke down.

CHAPTER XIX

DR LAMSON. POISONING BY ACONITINE. LORD BRAMPTON'S THEORY AS TO HOW IT WAS ADMINISTERED, AND THE CASE OF LEFROY

THE trial of Dr Lamson before Mr Justice Hawkins, at the Old Bailey, was one of the most remarkable cases of poisoning I ever heard. The prisoner was charged with the murder of his young brother-in-law, a delicate youth, who suffered from spinal disease. If he died before attaining his majority a considerable sum of money would accrue to the prisoner through his wife by virtue of the law of "Joint Tenancy." Dr Lamson was in great financial straits—hence the motive for the crime.

It was in this case that Mr Montagu Williams probably made the most famous speech of his life, if we except his defence of Lefroy at the Assizes at Maidstone before the late Lord Coleridge. The old court was crammed—actors and actresses were there in abundance, among whom were Lady Bancroft (then Marie Wilton), Mr Sugden, Sir

Henry Irving, besides many other conspicuous figures of the dramatic world who were all gathered together at the extreme end of the Bench near to where I was sitting — studying real life. Mr Montagu Williams's peroration can never be forgotten by those who heard it. I well remember Mr Jones (chaplain of Newgate) drawing my attention to the face of the famous judge, whose expression clearly signified that the evidence against the prisoner was very grave.

Mr Montagu Williams, amid breathless silence and in subdued tones, concluded his address to the jury: "You may have remarked," said the great advocate, "in the dusk at the close of each day's proceedings, a figure delicate and fragile steal across the threshold of the court to the dock, and placing her hand in that of the prisoner at the Bar, exclaim by gesture if not by voice, 'Though all the world be against you, I will cling to you still.' She is a woman, and that woman the prisoner's wife. The compilers of the marriage service of the Church did well to put love first, for where love is, obedience is sure to follow. Probably," continued Mr Williams, "no man ever enjoyed a greater reputation as an advocate at the

Bar—and deservedly so—than the learned judge who is about to address you. It is hard for the lion to change his skin; it is hard for the leopard to change his spots; it is hard for the right hand to lose her cunning. But you, gentlemen, need not be influenced by a word that falls from my lord's lips as regards inference. You must take the facts from him; the inferences must be yours, and I can only conclude that I hope that He before whom my lord must give an account, and before whom we must all stand at the great Day of Judgment, will lead you to come to a right and just conclusion."

There was a buzz of excitement in the evening hour as Mr Justice Hawkins, turning to the jury, in measured tones commenced his address. Mr Jones remarked to me, "I am afraid poor Montagu will soon be upset."

"It is a matter of great satisfaction to all of us," commenced the learned judge, "that the prisoner at the Bar, who is charged with an offence involving death, has had the benefit of the advocacy of one of the greatest counsel who have ever defended prisoners in this court. He has thought proper, and I appreciate what he has said, to allude

to my skill as an advocate. I hope the day is far distant when an English judge will so far forget himself as to remember that he had been an advocate when he is trying a case for wilful murder. Facts are one thing and eloquence is another, and, however much our feelings may have been wrung by the impassioned address in regard to the unfortunate prisoner's wife, justice would never be administered if we allowed our feelings to go out to those who, innocent themselves, have, I am sorry to say, to suffer for the crimes of the guilty."

The commencement of the speech was fatal, and I could see Monty now tying up the great bundle of depositions and looking at Douglas Straight, showing by his face that it was all up. And so it was, for two hours later I saw Dr Lamson sign his will in the dock of the court during the retirement of the jury. Had he delayed it until after his conviction I believe his property would have been estreated to the Crown.

It may be interesting to review the salient facts of the case, the evidence being singularly circumstantial. Only in one previous instance, and that a French one, had aconitine been used for the

purposes of murder. The crime perpetrated by Dr Lamson was a peculiarly cold-blooded and premeditated one. The accused was an American surgeon who had married an English wife—a Miss John. Through her he had a reversionary interest in a sum of £1500, which would come to him at the death of his brother-in-law, Percy Malcolm John. The latter, who was nineteen years of age, was paralysed from his waist downwards through congenital spinal disease. In spite of his age he was still at school, being a boarder in the establishment of Mr Bedbrook at Wimbledon—previous to which he was at school in the Isle of Wight.

Dr Lamson professed a very great interest in his brother-in-law's case as well as a very strong affection for him, and frequently visited and bestowed upon him presents of chocolates, sweets and other such "school-boy" luxuries.

On November 27, 1881, Lamson bought from a London chemist two grains of aconitine. He had many times before made purchases of the drug, which is, perhaps, the most deadly of all the poisons known to science, and, being a doctor, nothing appeared at all unusual in the purchase. A little later

he went down to Wimbledon to pay his brother-in-law a visit, and in the presence of Mr Bedbrook Lamson produced some empty gelatine capsules, and dilated on them as a novelty, which would make the taking of the most nauseous medicine quite easy. Percy John had a great dislike to any nauseous medicine—as Lamson well knew—and asked how the capsules were used.

"I will show you," said Lamson, and proceeding to fill one with some powdered sugar brought for the purpose. "Now," he said, "swallow that, Percy. You will find that you cannot taste the sugar." The lad at once took and swallowed the capsule. He had hardly done so when Lamson, looking at his watch, said he must go as he had to catch a train for Paris, and with an affectionate good-bye went off. The judge appears to have thought that the capsule was a blind to deceive the Crown, and that the deadly poison was not contained therein, but in a piece of Dundee cake which the prisoner was proved to have cut off, with his own pen-knife, and given to the boy. Had the capsule contained the poison the effects would have been speedy, but the raisins in the cake probably retarded the action of the aconitine and

death consequently would not ensue for a longer period.

About half an hour after Lamson's departure the youth complained of a terrible pain—a kind of heartburn—similar to an attack he had had in the Isle of Wight after Lamson had given him a "quinine" pill. He grew rapidly worse. Violent vomiting set in, and this was followed by a sense of tightness of the skin and constriction of the throat, so that he was unable to swallow. Delirium followed, and the doctor who was fetched injected morphia, which eased the symptoms for a time, but they soon recurred with increased violence. Again morphia was injected, but it failed to act, and within four hours of swallowing the capsule Percy Malcolm John was dead.

A suspicion that he had been poisoned was at once aroused—Lamson being pointed at as the criminal—especially when the purchases of the aconitine were brought to light. But the surgeon was a bold man, and if effrontery could have saved him he might be alive now. The news of what had occurred was soon conveyed to him and he hurried back from Paris and presented himself at Scotland Yard. Here he announced his anxiety

to discover the cause of Percy John's death, and expressed great surprise and indignation when he was arrested and charged with the murder. The circumstantial evidence against him was overwhelming. His various purchases of aconitine were proved, and, moreover, he had in his possession pills and powders purporting to be quinine preparations, but on analysis were found to contain the poison.

The defence mainly turned on the presumption that it was impossible to prove the presence of a vegetable alkaloid in the body twenty-four hours after death. But the scientists called in soon disposed of this and proved that aconitine was the cause of Percy John's death. Mr Justice Hawkins summed up very strongly against the prisoner, and the jury promptly returned a verdict of "Guilty."

Earnest attempts were made to get a reprieve—especially by Americans—but they were of no avail, and Lamson was hanged at Wandsworth on the 28th April 1882.

It is one of the properties of aconitine that it may simulate a paralytic seizure of the throat muscles and so cause death. No doubt this fact

led to its use by Lamson, who no doubt was well aware that a medical man would not be surprised to find a lad in young John's condition suddenly seized with a further and fatal stroke of paralysis.

My reminiscences would not be complete without reference to the case of Lefroy. His real name was Percy Mapleton, and he was arraigned before the late Lord Coleridge at the Maidstone Spring Assizes about twenty-three years ago for a murder in many respects similar to the one committed by Müller. He was indicted for the murder of a Mr Gold whom he attacked in a railway carriage on the London, Brighton and South Coast Railway for the purpose of robbery. Whilst the train was going through the Horley Tunnel the prisoner attacked the deceased, who was a heavy, inactive man, and after having an apparently fierce struggle succeeded in getting the better of him and then threw his body on to the metals, where it was ultimately found. On the arrival of the train at Preston Park the prisoner informed the railway officials that he had been attacked in the train by another man. Lefroy's face was covered with blood and he was wearing no collar. At the time no sus-

picion against Lefroy was entertained, but the subquent finding of Mr Gold's body, its condition and other circumstances, suggested that there had been some foul play, and a complete chain of circumstantial evidence went clearly to prove the guilt of the prisoner, who was arrested, tried at Maidstone and executed in Lewes Gaol.

I very well remember how crowded the Assize Court was when Sir Henry James (now Lord James of Hereford), with Mr A. L. Smith (afterwards Master of the Rolls), conducted the case for the Crown, whilst the defence was in the capable hands of Mr Montagu Williams, who made the famous speech which he records in his own memoirs. So impressive was it that Sir Henry James, who travelled up to town with him that night, told him that he believed he had got the scoundrel off. "No," replied Mr Montagu Williams, "I have not, for every time I was making a point in the prisoner's favour I noticed the Lord Chief Justice was writing down parts of the evidence which would refute my arguments." I myself can vouch for this because I sat near to the judge during Mr Williams's speech and observed how occupied he was in preparing

details in support of the prisoner's guilt, and which he made use of when the time came for him to sum up to the jury. At the conclusion of his speech the famous counsel expressed the hope that He, to whom all hearts are open and from whom no secrets are hid, might lead the jury to come to a right and a just conclusion.

Now Lord Coleridge was a very religious man, and a friend of mine, who was also seated on the Bench, remarked to me that "Coleridge would never pray after Montagu Williams." And verily and indeed the judge, at the conclusion of his summing-up—which lasted four hours, and in which he drew a graphic account of the prisoner and Mr Gold—concluded with these words, "If it is not profane for a poor weak mortal such as I am to invoke the name of the Deity, then only will I ask that great Being to guide you rightly." The jury, without leaving the box, found the prisoner guilty, and he was sentenced to death.

CHAPTER XX

LEE, THE ROMFORD MURDERER, AND MR JUSTICE HAWKINS'S LAST MURDER TRIAL

A REMARKABLE case which I heard at the Old Bailey was one of a notorious burglar for murder, the prisoner being defended by Mr P. Grain, the well-known advocate at the Central Criminal Court, and brother to the late Mr Corney Grain. The prisoner was said to belong to a gang of burglars, and was charged with the murder of an inspector of police at Romford, Essex. Before the case for the defence was concluded I happened to sit next to Mr Grain in the parlour during the adjournment, and it may here be mentioned in passing that the mutton broth and dry sherry which formed part of the hospitality of the City Fathers at the Old Bailey luncheons in those days were luxuries to be remembered. Mr Grain informed me that the prisoner was very anxious that a certain lady should be called on his behalf, but

the learned counsel refused to accede to the request. The lady in question was supposed to have sold the prisoner a pair of spectacles, which were thrown away by him in his flight after the murder. She would not swear before the magistrates as to the identity of Lee, and Mr Grain, realising the privilege of the sex to change their mind, did not wish to run the risk of putting her into the witness-box at the trial. Whilst Mr Poland was replying on the part of the Crown, with that close reasoning which is his special characteristic, omitting no point which could fairly be urged to secure a conviction, and blocking up every loophole of escape, Lee became very violent, protesting that he had not had fair play, and that his witnesses had not been called. Mr Justice Hawkins blandly remonstrated, and at last allowed him to call the good lady who had sold him the spectacles. She was one of that class whose appearance denoted much strength of character, and as with firmly-compressed lips she embraced the Testament, and removed a black glove about two sizes too large for her, I felt that the prisoner's fate, if it rested in her hands, was sealed.

"Now then," said Mr Justice Hawkins, "ask her what you please," and the prisoner at once commenced the attack.

"Did you not come to Springfield Gaol and swear before the magistrate you could not be positive about having sold those eyeglasses to me?" he asked.

"Well, I did," replied the obdurate spinster, "but I swear you are the man now, because you have let your beard grow. I have no doubt about it."

"Any more questions to put to her?" quietly asked Sir Henry Hawkins; but the lady's change of opinion had completely overcome the accused, who allowed the witness to leave the box without another remark.

During the process of the trial a little man who was seated next to me became very excited. He informed me that he was the High Sheriff for the county of Essex, and if Lee was convicted he would be responsible for his safe conduct to Chelmsford, and asked whether I thought he would be properly guarded. I thereupon introduced him to Colonel Millman, the courteous governor of Newgate and Holloway, who at once reassured my nervous

neighbour that a sufficient escort of warders would be provided.

A most remarkable murder trial—the last, I believe, tried before Mr Justice Hawkins—took place at the Huntingdon Assizes early in 1898. The county of Huntingdon, with the miniature counties of Westmoreland and Rutland, enjoy as a rule an immunity from crime, and it is no uncommon event for the judge of Assize at Huntingdon, Appleby or Oakham to be presented by the High Sheriff with a pair of white gloves as a token of a clean crime sheet—there being no prisoners for trial.

It was not surprising then that the Assize Court at Huntingdon on June 2, 1898 should be crowded when Walter Horsford was arraigned for the murder of Annie Holmes. The case rested entirely on circumstantial evidence, but never was the chain of circumstances more complete, thereby conclusively establishing the prisoner's guilt.

Walter Horsford was a well-to-do young farmer, thirty-six years of age, who had a farm at Spaldwick, some few miles from Kimbolton. At Stoneley near the same place, in 1897, Mrs Annie Holmes, his widowed cousin, was living with her three

children. Horsford often used to visit her, the intimacy being of the closest character. Despite this fact, or perhaps because of it, Horsford paid his attentions to, and married, another woman. Very shortly after this marriage Mrs Holmes removed to St Neots, where she still kept up a correspondence with her cousin.

A letter from her in December 1897 was to the effect that she was in fear of certain consequences through the acquaintanceship at Stoneley. To this Horsford replied to the effect that she need not be alarmed, as he would send her some medicine that "would put her right."

On December 28, 1897, when attending market at the neighbouring town of Thrapstone, he went to a chemist and asked for some poison for rats. He signed the poison register, and was eventually supplied with, amongst other poisons, ninety grains of strychnine.

On January 7, 1898, Mrs Holmes, who had received a postal packet from Horsford, went to bed—to all appearances—in her usual health, taking a glass of water upstairs with her. This was about half-past nine. An hour later her daughter, Annie, was alarmed by hearing her

mother scream, and going to her room found her in great agony. She at once sent for some neighbours and a doctor. Just as the latter arrived the poor woman was seized with terrible convulsions, and five minutes later died.

At the inquest on January 8 Horsford swore that he had neither written to nor had seen the deceased woman after she had left Stoneley. The inquest was adjourned for a week, and as the medical evidence was that the deceased had died from strychnine poisoning the police made a search of her house.

Here evidence was soon found that Horsford had not told the truth at the inquest. Two packets were found, one of which was empty and the other contained over thirty grains of strychnine. On the latter, in Horsford's own writing, was the direction: "One dose. Take as told." On the empty packet, the contents of which had evidently been used, were the words: "Take in a little water. It is quite harmless."

On January 10, 1898, Horsford was arrested and charged with having committed perjury at the inquest, and the same evening he was told that he would be prosecuted for the murder. He was

tried at Huntingdon on June 2, 1898, and after hearing Dr Stevenson's evidence, Mr Justice Hawkins summed up most impartially, but the facts were so irresistible that the jury did not find it necessary to retire, and Mr Justice Hawkins—beside whom was seated his wife, who covered her face with her handkerchief whilst the sentence of death was being pronounced—told the prisoner that he should have imagined that even his hard heart should have been touched by the piteous testimony of his victim's suffering. I believe as a matter of fact that the jury, when the judge had concluded his address, severally wrote down the word "Guilty" on slips of paper. He was executed in Cambridge Gaol on June 28, 1898.

CHAPTER XXI

THE BLIGH CASE, WITH LORD ERSKINE'S DEFENCE OF HADFIELD AND THE BRITLAND CASE. A SCARBOROUGH FRACAS

I HAPPENED to be travelling in the Lake District during the summer of 1885 and was present at two remarkable charges of murder which were tried on the Northern Circuit, one in "Gaunt's Embattled Pile" at Lancaster and the other in the Assize Court at Manchester (Strangeways).

The first was a very sad case. A policeman of the name of Bligh was charged before the late Mr Justice A. L. Smith with the murder of his three children, to whom he had always shown much affection. After taking their lives he attempted to commit suicide by cutting his own throat. I saw the unfortunate man in the exercise ground of the gaol the day before the trial with his throat covered with bandages.

At that time Sir Andrew Walker was the High Sheriff, and I was very much impressed with the

lavish way in which he carried out his duties. Nowadays in county towns at the Assizes the High Sheriffs — owing to a diminished rent-roll and other circumstances—find it difficult to fully maintain the dignity of the office, but Sir Andrew Walker did everything well, and his carriage with its four horses and mounted out-riders fully maintained the majesty of the law as in former years.

The prisoner presented a pitiable appearance when in the dock, and was defended by my old friend Mr Blair—the Crown being represented by the late Mr Henry West, Q.C., Attorney-General for the County Palatine. After his wife's death Bligh placed his children under the care of his sister-in-law and evidently lived on terms of intimacy with her. She, however, was not content with the money that he gave her and threatened to complain to his superiors, which would have meant dismissal for him. As a consequence the unfortunate man took the lives of his three children and attempted his own. Mr Blair did his best to get his client off on the ground of insanity, but the evidence was too strong and the judge, though feeling much for the prisoner, sentenced him to death. The Governor of the

gaol, who was an old friend of mine, enlisted my sympathy on the part of the convict and I drew up a petition and obtained the signatures of nearly every member of the Northern Circuit Bar in favour of the commutation of the sentence. As a result, Dr Bastin, the expert, was sent from the Home Office to examine the condemned man, and by his advice poor Bligh was sent to Broadmoor.

The case reminded me very much of that of Hadfield, recorded in Lord Campbell's *Lives of the Chancellors*, whom Lord Erskine defended and made one of the most famous speeches on record. Hadfield, having killed his three children the previous week, made a deliberate attempt to take the life of King George the Third on the steps of Drury Lane Theatre. His Majesty remained perfectly calm—any visible emotion on his part might have excited the mob outside the theatre, in which case the culprit's life would have been in danger.

LORD ERSKINE'S SPEECH

"I conceive, gentlemen, that I am more in the habit of examination than either that illustrious person or the witnesses who have spoken in

similar terms, yet I well remember that since the learned judge has presided in this court I examined for the greater part of a day in this very place an unfortunate gentleman who had indicted a most affectionate brother, together with the keeper of an asylum at Hoxton, for having imprisoned him as a lunatic while, according to his own evidence, he was in his perfect senses. I was unfortunately not instructed in what his lunacy consisted, although my instructions left me no doubt of the fact; but not having the clue he completely failed me in every attempt to expose his infirmity. You may believe I left no means unemployed which long experience dictated, but without effect. The day was wasted, and the prosecutor, by the most affecting history of unmerited suffering, appealed to the judge and jury as the victim of most wanton and barbarous oppression. At last Dr Sims came into court. From him I learned that the person, who under my long examination had appeared so rational and ill-used, believed himself to be the Lord Jesus Christ, not merely at the time of his confinement, which was alone necessary for my defence, but during the whole time he had been triumphing over

every attempt to surprise him in the concealment of his desire. I then pretended to lament the indecency of my ignorant examination when he expressed his forgiveness and said, in the face of the whole court, 'I am the Chris,t' and so the cause ended. He then related, in the words of Lord Mansfield, a still more extraordinary instance of monomania accompanied with cunning to conceal it. A man of the name of Wood had indicted Dr Munro for keeping him a prisoner when he was sane. He underwent a most severe cross-examination from the defendant's counsel without exposing his infirmity, but Dr Battye came upon the Bench by me and desired to ask him, 'What was become of the princess with whom he had corresponded in cherry juice?' when he showed in a moment what he was. He answered that there was nothing at all in that, because having been imprisoned in a high tower and being debarred the use of ink he had no other means of correspondence but by writing in cherry juice and throwing them into the river which surrounded the tower, where the princess received them in a boat. The whole case was the phantom of a morbid mind. I immediately directed Dr Munro to be acquitted.

But this madman again indicted Dr Munro in the city of London, through a part of which he had been carried to his place of confinement. Knowing that he had lost his cause by speaking of the princess at Westminster, when he was cross-examined on the trial in London, as he had been before in order to expose his madness, all the Bar and all the authority of the court could not make him speak upon the topic which had put an end to the indictment before, although he had the same impression on his mind, as he signified to those near him, but conscious of the delusion that had caused his defeat before he persisted in holding it back. His evidence at Westminster was proved against him by a shorthand writer, and I again directed an acquittal. To proceed to the proofs of insanity down to the period of supposed guilt, this unfortunate man before you is the father of an infant of eight months old, and I have no doubt that if the boy had been brought into court you would have seen the father writhing with the emotions of parental affection, yet upon the Tuesday preceding the Thursday when he went to the play-house you will find his disease urging him forward with the impression that the time has

come when he must be destroyed for the benefit of mankind, and in the delirium of this wild conception he came to the bed of the mother, and snatching it from her was about to kill it in her presence when his arm was arrested from the dreadful attempt.

"Nothing more tends to the security of His Majesty and his Government than this scene exhibits in the calm and impartial administration of justice. I declare to you solemnly that my only aim has been to secure for the prisoner at the Bar, whose life and death are in the balance, that he should be judged by the evidence and the law. I have made no appeal to your passions (you have no right to be swayed by them). This is not even a case in which the prisoner if found guilty the Royal mercy should be counselled to interfere. He is either an unaccountable being or not accountable. If he was unconscious of the mischief he was engaged in, then he is not guilty, but if when the evidence closes you think he was conscious and that he maliciously meditated the treason he is charged with, it is impossible to conceive a crime more detestable, and I should consider the King's life to be ill attended to indeed if not protected by the full vigours of the law which are

watchful over the meanest of his subjects. It is a most important consideration both as regards the prisoner and the community of which he is a member. Gentlemen, I leave it with you."

The other trial was that of Mary Ann Britland, who was charged with the murder of her paramour's wife by mouse poison. There were two other counts, but these were not the subject of the trial, in regard to her murdering her husband and daughter in the same way. Mr Justice Cave presided, the Crown being represented by Mr Addison, Q.C., and the prisoner was defended by Mr Blair. The prosecution had evidently elected to try the prisoner on the weakest count, and although this was so, evidence was allowed to show that symptoms preceding death were similar in all the cases. Mr Blair, in his speech for the defence, urged upon the jury the want of opportunity by the woman to administer the poison to her victim when, as a visitor to her house, she was having tea with the deceased just before her death. The Crown insisted on the assumption that the poison was administered in the tea, but Mr Blair maintained that it was only brought to poison rats.

Stereoscopic]

MR JUSTICE STEPHEN

[*Maull & Fox*

MR JUSTICE WIGHTMAN

Nat. Port. Gallery]

LORD JUSTICE COCKBURN

[*Stereoscopic*

MR JUSTICE BRETT

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In his summing-up the judge remarked that the prisoner had purchased poison sufficient to exterminate all the rats in the city. The jury retired to consider their verdict about five p.m., and I had arranged with Mr Blair to dine with him at his house in Oxford Road at seven-thirty p.m. Shortly before that time the jury returned into the court and, saying there was no chance of their agreeing, handed a slip of paper to the judge—they being evidently doubtful as to how the prisoner could get an opportunity to administer the poison to her victim. The judge sent the jury back to their room, and I accompanied Mr Blair to his house, he having directed his junior to inform us as to the result of the trial. We spent a pleasant evening, and when the hour of midnight had passed and no messenger had arrived my host began to think his speech had made an impression on the jury. As the clocks of Manchester were striking the hour of one a.m. we heard the result. Soon after midnight the jury, after seven hours' deliberation, once more came into court and said there was no likelihood of their coming to one mind. The judge having intimated that they must be locked up for the night, the

foreman stated that they were agreed that the deceased had died from poisoning, but they were not at one as to the opportunity the prisoner had had to administer it. Mr Justice Cave referred to his notes and made a few remarks to the jury, who, without leaving the court, found the prisoner guilty, and she was sentenced to death and in due course executed.

A SCARBOROUGH FRACAS

Mr Justice Cave was a very clear-headed judge. I remember very well his presiding at a sensational trial at York in 1881. A gentleman, whom I knew and for whom I acted as bail, under great provocation dealt a blow to a farmer in the smoking-room of the Royal Hotel at Scarborough after a ball. The blow proved fatal, and the accused was committed for manslaughter. One of the principal witnesses was Mr Edward Fleming, son of Canon Fleming of St Michael's, Chester Square, and Canon of York, who was present at the ball and who witnessed the fracas in the smoking-room. The man who was killed was a Somersetshire farmer, and although

provocation was proved, it was impossible to resist commitment, and the prisoner was sent for trial at the York Winter Gaol Delivery in 1881. The judge charged the Grand Jury telling them that however weak the man's heart was, if death was accelerated by one moment owing to the blow, it was their duty to return a true bill. But the gentlemen of the Grand Inquest, doubtless realising the provocation that had been given, ignored the bill, and the gentleman, for whom I had been surety in the sum of £500 with the late Mr Lamond, was liberated. Poor Lockwood had been retained for the defence, and I remember dining with him alone at the Station Hotel on the eve of the trial. It was a Sunday, and the bells were ringing for service at the fine old Minster. I remarked to Lockwood how the grandeur of York Minster always impressed me. "Yes," he rejoined, "but "I think I prefer Durham—from which city we "have just come. The position of Durham with "its three Towers overlooking the Wear is unique "and marks it out as one of the most famous of "our English cathedrals." In connection with the trial at York, the accused had been on bail, and as only prisoners in gaol—it being a gaol

delivery—could be brought up for trial, it was necessary that the accused should surrender and go to prison when the judge had opened the commission. My bail was at stake and I was much relieved when the chambermaid brought me my tea in the morning and cheerfully remarked, "Lor', sir, they have all gone up to the Castle in a cab as jolly as sandboys."

CHAPTER XXII

THE BABBACOMBE MYSTERY

AMONGST the judges of recent years one of the soundest lawyers was Mr Justice Manisty. Commencing his career as a solicitor he afterwards joined the Bar. It was he who presided at the famous trial of Lee, the Babbacombe murderer, whose escape afterwards from the gallows is one of the most amazing and dramatic on record.

In many ways, but chiefly from what occurred after the accused man's conviction, what is known as the Babbacombe murder must be regarded as one of the most remarkable cases in our criminal annals.

The victim was Miss Emma Keyse, who had been a lady-in-waiting to Queen Victoria, and who at the time of the tragedy was nearly seventy years of age. She lived in a large thatched house, The Glen, Babbacombe, near Torquay. The household consisted of two sisters named Neck, both of whom had been over thirty years in Miss Keyse's service; Elizabeth Harris (the cook) and

her half-brother, John Lee. The latter, who acted as footman and butler, had been in Miss Keyse's employ some ten months when the tragedy occurred.

On the night of November 14, 1884, Miss Keyse, who was remarkably fond of writing, sat up late in the dining-room making entries in her diary. The cook, who had not been very well, went off to bed early. The other servants, with the exception of Eliza Neck, retired just before midnight. Miss Neck waited on her mistress till nearly one a.m., and when she went to bed left her still writing.

Between three and four o'clock on the morning of November 15, 1884, Elizabeth Harris woke up choking, and found her bedroom full of smoke. She at once aroused the other females, and all hurried downstairs. Eliza Neck called Lee, the footman, telling him the place was on fire, and he at once came from his bedroom fully dressed. The dining-room was found to be on fire in two places, and on the floor in front of the sofa lay the body of Miss Keyse with her clothes burning. A few buckets of water speedily put out the flames, and just as the fire was extinguished the police arrived.

The officers speedily found that a terrible crime had been committed. There was a great pool of blood in the passage close to the door of the pantry in which Lee had been sleeping. A chair in the dining-room was saturated with blood. Further examination showed that Miss Keyse had evidently been killed in the hall, then dragged into the dining-room. Here paper and other things had been piled upon her, saturated with paraffin oil, and set on fire. The only receptacle for oil in the house was a gallon can which was found empty in a cupboard above Lee's bed, and nobody could get at it without reaching over him as he slept. A knife with blood upon it was found in one of the pantry drawers. A hatchet with blood upon it was found in the dining-room, and was evidently the weapon with which Miss Keyse had first been struck down. There had also been an attempt to fire the staircase, the lower stairs and the mat being saturated with oil, which had only partly burnt.

The injuries to the poor old lady were of the most ghastly character. Two terrible blows on the head had smashed her skull at the back, while the throat was cut from ear to ear, even the backbone of the neck having been hacked.

A window in the dining-room had been smashed,

but evidently from inside, and the police could find no trace of any attempt at burglary. So they turned their attention to Lee, who was very white and excited. He was noticed to be bleeding from a wound in the right arm. Asked how he had sustained this he was at first confused. Then he said he had done it in breaking the dining-room window to let the smoke out after Eliza Neck had roused him and told him the house was on fire. An examination of Lee's trousers showed that there had been a large quantity of blood upon them and that an attempt had been made to wash it off. His socks were also found to be soaked in paraffin oil. On the empty oil can were found marks of a blood-stained hand, corresponding exactly to Lee's right thumb and fingers. In these circumstances Police-Sergeant Knott told Lee he should arrest him on suspicion of having murdered Miss Keyse. At this Lee merely said, "Oh, on suspicion, eh? That's all right." Then he shrugged his shoulders and laughed.

Lee protested his innocence, and maintained a most callous demeanour both at the inquest and at the magisterial examinations, though the evidence brought against him was of the most conclusive character. In regard to motive, at

the trial at the Exeter Assizes on Monday, February 2, 1885, Lee's half-sister, Elizabeth Harris, gave peculiar evidence. She swore that Lee, who was under notice of discharge, told her that before he left Torquay "he would have his revenge," that he "would set fire to the place, and then go on the top of the hill and watch it burn."

The jury, after an absence of twenty minutes, returned a verdict of "Guilty" against him, and the judge in passing sentence said, "I am not surprised that a man who could commit so barbarous a crime should maintain the calm appearance which you have maintained."

To this Lee replied, "Please, my lord, the reason I am so calm is because I trusted to my God, and my God knows that I am innocent, my lord." Then he walked out of the dock with a jaunty step and a smile upon his countenance.

Lee was to have been hanged at Exeter Gaol on Monday, February 23, 1885, and was duly brought out for execution. The latter, however, as is well known, did not take place, the circumstances being of the most extraordinary character. Berry was the hangman, and the gallows was newly put up, having been erected with a view to its permanency.

At a signal the lever was drawn, but the trap did not fall. Another pull at the lever, and a stamp from the warder's feet on either side failed to make the trap move. Lee was marched off with the cap still over his face. The drop sprung all right when his weight was removed. But when six minutes later he was again placed upon it, it once more refused to work. He was marched back to the cells while the edges of the drop doors were cut away. At ten minutes past eight he was again brought out. Again the drop failed to act. This time Lee was taken back to the cells, and the Home Secretary was communicated with, the result being a respite for the prisoner, and the eventual commutation of his sentence to penal servitude for life.

I myself have stood on the scaffold and seen marks on the woodwork of the efforts that were made on that winter morning to cut away the flooring, but which proved of no avail. The night before the day fixed for the execution Lee, who knew the prison well, for he had been in gaol before, dreamt a dream that three attempts would be made to carry out the sentence of the law, and that his life would be preserved.

The dream, which he revealed to Warder

Bennett in the condemned cell, was reported to the governor of Exeter prison early in the morning. Despite, however, every precaution which was taken, Lee escaped the gallows.

The sequel of the story is still more remarkable. The governor was in the habit of carrying a little pocket almanack, with a scriptural text affixed to each date, and on the day in February 1885 when the convict ought to have been hanged appeared this record: "Surely it is the hand of the Lord which has done this."

I am not of a superstitious turn of mind, but the coincidence is worthy of note, and I tell the story as it was told to me. Lee, whom I knew very well, and who, when he was footman to Colonel Brownlow, of Torquay, waited on me at dinner, was, during the first part of his sentence, confined in the now disused Portsea convict prison, where I saw him at work in the wash-house, and is now at Portland, I believe, a very useful and exemplary prisoner, and a member of the chapel choir. He has undergone nearly twenty-two years of penal servitude, but the Home Secretary has, under the circumstances, refused to grant Lee a licence, although in most life sentences it is granted when twenty years are past.

I happened to be in the House of Commons the same night that the attempt to carry out the sentence on Lee had failed. The under-sheriff of Devon, upon whose health the dramatic scene on the scaffold had a most disastrous effect, proceeded to London by the early Cornish express to report the matter to the late secretary, Sir William Harcourt. A question was put by Mr—now Lord—Cross from the Conservative benches to Sir William as to whether, in view of what had occurred at Exeter Gaol that morning, any further attempt would be made to carry out the sentence. The reply—given in a crowded House, eager for a debate as to the conduct of Her Majesty's Government with reference to the death of General Gordon in the Soudan—"No, sir; no, sir," met with unanimous approbation.

CHAPTER XXIII

THE TRIAL OF JAMES CANHAM READ AND SOME ANECDOTES OF THE LATE DEAN HOLE

A TRIAL of a sensational character was that of James Canham Read, a clerk in the Woolwich dockyard, who was charged at the Chelmsford Assizes in November 1895, before Mr Baron Pollock. The facts of the case were very remarkable and the guilt of the prisoner was brought home to him by a strong chain of circumstantial evidence. Sir Frank Lockwood, who had just been appointed Solicitor-General, prosecuted for the Crown, whilst the late Mr Cock defended the prisoner.

Read was a married man, and on one occasion, when on the pier at Southend, met by chance Mrs Ayriss, a married woman, and carried on an illicit intercourse with her. She introduced him to her unmarried sister, Florence Dennis, and it was for the murder of this unfortunate girl that the prisoner was sentenced to death and executed at Springfield Gaol.

There can be no doubt that Florence Dennis, finding that she had been deceived by the prisoner's overtures, became importunate in her demands for money. Although a large number of letters and telegrams passed between the two, Read was always very careful not to personally hand in the telegrams at any post-office, but artfully placed sufficient stamps on the telegraph forms and dropped them in a pillar-box. When the latter was cleared the form would be taken by the district letter-carrier to the post-office and promptly despatched.

Most of the telegrams—appointing a rendezvous, and which were found in the girl's box after her death—were sent from the Charing Cross district, and the one making what proved to be the fatal appointment was transmitted from the same office, in the neighbourhood of which it was proved that the prisoner had been for some time up to and before when the message was sent. She told her sister that same evening that she was going to meet someone, and mentioned the name of the person, but by the law of evidence the exact nature of her statement could not be brought out at the trial or the name divulged. The poor girl was not again seen alive by her friends, but on the following

morning a glove was picked up in a lane by a labourer whilst going to his work, and on the other side of the hedge was discovered the unfortunate girl's body with a fatal wound inflicted by a pistol shot.

The evidence as to Read's acquaintance with the deceased, the fact of his having a pistol, his identification by five separate witnesses as having been seen in Southend on the night of the murder, his being seen at midnight walking at a rapid pace through the village of Leigh (which is on the main road from Southend to Woolwich), his arrival at Woolwich dockyard early the next morning, that though it was in the summer time he had made a fire evidently for the purpose of destroying something, all formed such a strong chain of evidence against him which his counsel could not break down.

Here I may remark that the system of identification in our police-courts needs reform, though possibly ere this it may have been changed. Read's photograph, with full particulars of his attire, had appeared in many papers, which must have been seen by several of the witnesses who picked out the prisoner as the man they met on the night of the murder at Southend. Read was

then wearing the clothes and boots in every detail as described by the papers, and was placed amongst other men in the police-yard who all had totally different attire.

After the murder Read, having altered his appearance by shaving off his moustache, carried on an illicit acquaintance with a milliner's assistant, whom he deceived, and with whom he was living at Merstham when arrested. She gave evidence at the trial and became very much agitated through the prisoner continually looking at her, and Sir Frank Lockwood found it necessary to ask the judge that a screen might be placed between the dock and the witness so that the latter might not see the man who had ruined her life.

After hearing a very impartial summing-up from Mr Baron Pollock the jury found the prisoner guilty, who, before sentence of death was pronounced, declared that on the night in question he was fifty miles away from the scene of the murder.

It may be interesting to mention that, as a proof of his coolness, Read ordered ham sandwiches to be sent in to him every day during the trial, and he said he preferred the meat to be cut from the knuckle end.

Mr Baron Pollock's marshal at this trial was Mr Hole, son of my old friend, the Dean of Rochester—the Rose King of the Midlands and the dear comrade of Charles Dickens. The Dean, who had been a keen follower of the Rufford Pack, though he was six feet four inches in height and weighed over sixteen stones, was a great comfort to me in the sorrow of my life in 1873, and I now record with gratitude a poem entitled "Solace," which he gave me at the time.

"I wandered to my garden,
From that dolorous darkened room,
The thrush sang in the acacia,
The roses blushed to bloom;
And in my grief's perplexity
And foolishness, I said:
'He cannot know—that singing bird—
That she lies deaf and dead.'

I saw a rose—a white rose—
And a rosebud by its side,
And stooping down I plucked them
Saying, 'Thus they lived and died.'
And I felt a touch behind me,
And heard a gentle tone—
'Brother, in God's own garden,
Those flowers of thine are sown.'

Forthwith my heart's full cistern
Did melt and overflow,
And I went with my sweet sister
Where I hadn't dared to go:

And I saw them in their coffin—
My saintly bride at rest,
With her baby in its chrisom,
Asleep upon her breast.

They say—the Holy Fathers,
Who watched 'mid prayer and fast—
'That in God's beauteous garden
The blest will sleep at last;'
But ere the final glory,
In the Spirit land of rest,
I fain would see my darling
With our babe upon her breast."

The Dean was a most fascinating companion and extremely fond of a joke. On one occasion he was preaching a harvest sermon for me in my parish church at Burrough-on-the-Hill. As the procession of clergy entered the church—some tall, some short, some stout, some lean—I and my friend brought up the rear, and as we sang the words of the well-known hymn, "Like a mighty army, marching as to war," Canon Hole (as he then was) remarked to me, "Look at the warriors." On the same occasion, as eight clergy tightly packed within the altar rails were joining in the hymn, "We are but little children weak," provoked from the Canon the remark, "Do you see the babies?"

CHAPTER XXIV

THE CASE OF DE CARLOS—AN ALIEN. THE SEQUEL TO THE PHŒNIX PARK MURDER, AND SHORT REFERENCE TO THE TURF FRAUDS

THE last case I ever heard tried at the Old Bailey was that of De Carlos, an Italian, who, having been robbed by a woman at her lodgings, took vengeance upon her and stabbed her with a knife. He was sentenced to death by Mr Justice Wright, and the sentence was duly interpreted to the prisoner by Mr Albert, as the former did not understand the English language. I took a great interest in the man, as I thought he had been subjected to much provocation, and received a letter from the Home Secretary to say that the death sentence had been commuted to one of penal servitude for life. In some articles which have appeared in *The Weekly Despatch* I learn that De Carlos, who was confined in Parkhurst Prison, is now at Broadmoor, having gone hopelessly mad from having no one to talk to. There was no one at Parkhurst who was able to speak to him in his native tongue, and I agree with Mr Jabez Balfour that in our prisons some steps

should be taken whereby aliens, who cannot speak the English tongue, should have the opportunity of conversing with those who are able to understand their own dialect.

A remarkable case was tried in 1885 by Mr Justice Denman. It was that of Macdonald, who, having taken a passage on a steamer bound for Durban with the informer Carey, the man who had helped to secure the conviction of the perpetrators of the Phœnix Park outrages, when Lord Frederick Cavendish was murdered, killed the informer on board the boat during the voyage. He was defended by Sir Charles Russell, but even he could not prevent a verdict of guilty being found, and richly though his victim deserved his fate Macdonald suffered the extreme penalty of the law.

I myself heard the case of Kate Webster, who was also tried before Mr Justice Denman for a horrible murder perpetrated at Richmond on her mistress, Mrs Thomas, whose remains she boiled. I travelled with the prisoner frequently when she was being conveyed to and from Wandsworth during the several remands at the Richmond Police Court, where she was brought up before her committal for trial.

A remarkable case, with a still more astonishing

sequel, was tried at the Old Bailey before Mr Baron Huddleston, whom I knew very well while at the Bar, and also when on the Bench. Poor old Huddy owed a great deal of his success to his excellent wife, Lady Di, daughter of the Duke of St Albans. She was his constant companion on circuit, and when he tried cases at the Old Bailey she was generally found by his side. Once when at Cannes, the guest of Caroline, Duchess of Montrose, the cook was suspected of pilfering, and the learned baron at once determined to hold a court. Seated under an orange tree, protected from the sun by an umbrella, he heard the case, examined the witnesses and dismissed the cook from her Grace's service.

The case at the Old Bailey to which I refer, and over which he presided, was a remarkable one. Two men named Benson and Kerr, the former a notorious character, were convicted before him of turf frauds perpetrated on Madame de Goncourt and sentenced respectively to fifteen and twenty years' penal servitude. Benson's career was an extraordinary one. Under the assumed title of Count Young he had ingratiated himself into the society of Shanklin in the Isle of Wight, but his imposture was soon discovered. Whilst under remand at Newgate he tried to set fire to himself

with a jet lamp in his cell. He served most of his sentence at Dartmoor, where he posed as a regenerate convict, and managed to impose on the deputy governor of the prison far more successfully than he had done on Mr Sidney Smith, formerly governor of Newgate. His repentance was a sham, for he had not been released from penal servitude very long before he was arrested in New York on a charge of fraud in connection with tickets obtained for a concert given by Madame Patti, and whilst awaiting trial in the Tombs Prison he committed suicide by throwing himself over a barrier.

It will be remembered that before Benson and Kerr were arrested for the turf frauds they secreted themselves in the peaceful retreat at the Bridge of Allan in Scotland, and by collusion with some of the detectives at Scotland Yard managed to delay for some time the execution of the warrants against them. Whilst in prison, in order to obtain a remission of their sentences, they "rounded" on the detectives, the result being that four prominent Scotland Yard men were arrested, charged and, with one exception, convicted before Mr Baron Pollock—the last of the Barons—at the Old Bailey in December 1879, and sentenced to two years' hard labour.

CONCLUSION

Now the curtain must fall and the floats must be let down for ever upon the scenes that have taken place in the weird old court at Newgate. A new generation of judges and barristers, many of whose names are unknown to me, have sprung up. But still in the twilight of one's existence one recalls memories of old times; memories of great men distinguished in the law, whose faces and forms are seen and whose voices for the moment appear to be heard, though one knows they are silent for ever. With many of them I had personal friendship, although the links of that friendship have been snapped for the time. They have crossed the Bar, and who knows whether the links which have been broken and snapped for awhile will again be riveted? *Che sara sara.*

I can truly say, "*Vixi.*" I have lived my life. I have lived to see no less than six Lord Chief Justices of England. I have lived to see the old Courts of Queen's Bench, Common Pleas and

Exchequer abolished, and all merged in one King's Bench Division of the High Court of Justice. I have lived to see the quaint little courts adjoining the famous Rufus Hall in Westminster demolished, and the Royal Courts of Justice set up in their place. My late brother was a prominent figure at the opening of the Royal Courts of Justice. He was silver-stick-in-waiting, and it was part of his duty to immediately precede her late Majesty across the great hall of the Law Courts or the *salle de pas perdus* when she was about to open the new Courts in state. On the day previous I remarked to him that I should like to do his work. "I wish to Heaven you could do it for me," was his reply, "as my liver is giving me no peace." However, he went through the ordeal well and I was informed by Mr Pennington, of Lincoln's Inn Fields, who was present as a spectator, that "Fred" looked simply magnificent in his full-dress uniform as Colonel of the Blues. I have lived to see the office of Serjeants-at-Law done away with, and the great men who have filled that office, many of whom I knew, gone. I have lived to see the systems of law and equity more or less merged, and the administration of justice changed. I have not lived, however, to see the expenses of legal

proceedings lessened. I doubt very much whether, with all our advanced civilisation and all that education has done for the country, crime can be said to be less. Owing in a great measure to the temperance movement and the work of the Salvation Army I think cases of brutality and horror have been to a certain extent reduced, but with the spread of civilisation I think other crimes have become more refined in method and more difficult to detect. Whether we are any better nowadays for the innumerable Church services that are held than we were in the good old times when Parson Jack Russell, of North Devon fame, preached his two sermons on Sunday, hunted three days with the Devon and Somerset stag-hounds, in the time when Harry Philpott was Bishop of Exeter, and gave up all that he possessed to the poor of his parish, I leave the historian to record.

One may hope that at the final Assize, where justice is administered with mercy, the words—"Does no man condemn thee? Neither do I condemn thee," may be uttered by the Great Judge of all who will admit any evidence that can possibly be given, whether it be admissible or not, which can extenuate the guilt of those who

appear before Him. One whose impartiality always lead Him to secure an acquittal for all appear at that great Bar, for

> "His scales of justice know no flaw,
> His rule transcends all human law;
> Mercy for judge and judged alike,
> Prompt to pardon, slow to strike."

THE END

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